

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 290 OF 2026

Rajiya Shoukat Shaikh.

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

Mr. M. P. Patil, AGP for the Respondent-State.

Coram : Smt. Vibha Kankanwadi, J.

Date : June 11, 2026.

ORDER:

1. Present petition has been filed to challenge the order / communication dated 22nd August 2025 by respondent no.2 thereby dismissing the revision application filed by the present petitioner.

2. The petitioner has come with the case that Respondent No.3 is a co-operative society established under the provisions of Maharashtra Co-operative Societies Act, 1960 [for short "**MCS Act**"] and had filed an application under Section 101 of MCS Act on 8th August 2022. The amount of Rs.17,50,000/- was shown to be loan obtained by the petitioner and the proceedings under Section 101 of MCS Act were filed to get the certificate for recovery of the said amount. Recovery certificate came to be issued on 22nd November 2022. Petitioner then challenged the said order by filing a revision application. However, since

there was a delay, she filed an application seeking condonation of delay. When it was considered by Respondent No.1 that amount has not been deposited, i.e., 50% of the amount mentioned in the certificate, by the impugned order dated 22nd August 2025 the revision application of the petitioner came to be disposed of.

3. None present for the Petitioner. Heard learned AGP Mr. J. P. Patil for Respondent Nos.1 and 2. No necessity to issue notice to Respondent No.3.

4. Reference can be to the decision of the Division Bench of this Court in ***Pravin L. Chakole v. State of Maharashtra [2024(3) Bom. C.R. 89]*** wherein taking into consideration the earlier decisions in ***Dilawar Hakim Shah v. Special Recovery Officer, Chiplun Urban Co-operative Bank Ltd [2006(1) Bom.C.r. 141]***, ***Shrideep Associates v. State of Maharashtra [2022(3) All. M.R. 46(A.B.)]*** and ***Kausalya Sampat v. Vasant Sahakari Bank Ltd [2004(6) Bom.C.R. 651]***, it has been held that for deciding the application for condonation of delay, it is not necessary to comply with the mandate of Sub-Section (2A) of Section 154 of MCS Act.

5. Learned AGP objects for entertaining the petition stating that an opportunity was given by Respondent No.2 to the Petitioner to comply with condition of deposit, however, the Petitioner failed to comply.

6. The short question which is no more *res integra* is again brought up in the present matter. It appears that the Respondent No.2 has not taken note of the decisions above referred before passing the impugned order dated 22nd August 2025, i.e., before taking the action of disposing of the revision application. When the law has been crystallized by stating that when delay condonation application is to be entertained, there is no necessity to make deposit as contemplated under Section 154(2A) of MCS Act.

7. Under such circumstances, petition deserves to be allowed. Accordingly, it is allowed. The impugned order dated 22nd August 2025 passed by the Respondent No.2 is hereby set aside. Respondent No.2 by taking note of the above referred decisions as well as this decision, shall not insist for the payment of 50% of the amount as stated in the recovery certificate issued under Section 101 of the MCS Act, but to proceed to decide the delay condonation application. Accordingly, the Respondent No.2 to fix a date preferably within a period of 15 days from the date of receipt of a copy of this order and then to proceed to decide the delay condonation application within a period of two months thereafter.

8. With these observations, writ petition is disposed of.

[Smt. Vibha Kankanwadi, J.]