IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6146 OF 2026

Latesh H. Gada and Anr. ...Petitioners

V/s.

The Deputy Registrar Co-Operative Societies and Ors. ...Respondents

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Mr. Amrut Joshi *a/w Ms. Miloni Gada, Ms. Manisha Prajapati and Ms. Surabhi Aror i/b Miloni Gada, for Petitioners.*

Mr. Krishnanand Shanbhag, *for Respondent No. 3.*

Mr. A. A. Alaspurkar, *AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 18 AUGUST 2026

P.C.:

1) The Petition challenges order dated 9 April 2026 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai, partly allowing Revision Application No. 21 of 2026 and modifying the order of the Deputy Registrar dated 6 January 2026. The Deputy Registrar had disqualified the Petitioners from being the members and from being elected as managing committee members for period of five years. While granting partial solace to the Petitioners, the

Divisional Joint Registrar has reduced the period of disqualification from five years to one year.

2) I have heard Mr. Joshi, the learned counsel appearing for the Petitioners, Mr. Shanbhag, the learned counsel appearing for Respondent No. 3 and Mr. Alaspurkar, the learned AGP appearing for Respondent Nos. 1, 5. I have considered the submission canvased by them. I have also gone through the findings recorded by the Deputy Registrar and by the Divisional Joint Registrar in their respective orders.

3) It is seen that the Deputy Registrar and the Divisional Joint Registrar have ordered disqualification of the Petitioners on a solitary ground that the Petitioners failed to place before the Annual General Body Meeting held on 29 September 2025 the audit report as well as audit rectification report in respect of the previous year 2023-2024. Both the authorities, however, have totally ignored the position that an administrator was appointed on the Society, who functioned from 20 January 2024 till the charge was handed over on 22 October 2024. Therefore, the Petitioners cannot be held responsible if the audit is not conducted in respect of the previous year 2023-2024. If there is no audit, there was no question of placing the audit report before the AGM. Since there is no audit report, there cannot be any audit rectification report. Without appreciating this position, the Deputy Registrar has erroneously directed the disqualification of the Petitioners and the Divisional Joint Registrar has erroneously accepted the disqualification. The impugned orders are thus clearly erroneous.

4) Additionally, Mr. Joshi has tendered an additional affidavit in which Respondent No. 4 has confirmed that he had never signed the complaint seeking disqualification of the Petitioners. This is an additional factor which can be taken into consideration, since the Deputy Registrar has ordered disqualification considering the position as if Respondent No. 4 had also a complaint against the Petitioners.

5) Considering the above position, I am of the view that the impugned orders passed by the Deputy Registrar and Divisional Joint Registrar are erroneous and liable to be set aside.

6) Petition accordingly succeeds. The order dated 9 April 2026 passed by the Divisional Joint Registrar and order dated 6 January 2026 passed by the Deputy Registrar are set aside. Consequently, orders dated 24 April 2026 passed by the Deputy Registrar under Section 77A of the MCS Act and under Rule 76B of the Election to a Committee Rules, 2014 are also set aside.

7) The Writ Petition is **allowed** in above terms. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]

Signed by: VAISHNAVI MAHADEV SHEJAL
Designation: PA to Honorable Judge
Date: 27/08/2026 16:40:05