IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10142 OF 2026

Ujjawal Nandadeep Co-Op HSG Soc Ltd. .. Petitioner

Versus

The Honourable The Secretary and Ors .. Respondents

Mr. Ravi Kadam, Senior Advocate a/w Adv. Rohan Kadam, Ishaan Paranjape, Viral Vora, Priyanka Bhadrashete, Neelkanth Bhadrashete, Jatin Shah i/b Punam Shinde, for the Petitioner.
Mr. Shreepad Murthy a/w Mr. Abhishek Patil, for Respondent No.5.
Mr. Asif I. Patel, Addl G.P. a/w Mr. M.M. Pable, AGP for the Respondent – State.

CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.
DATED : 22nd OCTOBER, 2026

P.C:-

1. In light of the reliefs sought in the Petition, on 06/08/2026, it was pointed out to us that the file of Respondent No.5 Society is not traceable.

It is specifically pleaded that it was the responsibility of the Record Officer, who maintained the file, to discharge his functions under the Maharashtra Public Records Act, 2005, and when the registration was granted in favour of Respondent No.5, it was necessary to examine as to what was its basis and whether notices were issued.

In continuation of this order, on 01/09/2026, we noted that if the file is not put up before the Hon’ble Minister, then he shall not proceed with the hearing.

We also directed the Deputy Registrar to file an affidavit regarding the availability of the documents, and by specifically focusing upon as to on what basis the registration was conferred in favour of the Respondent No.5.

2. In compliance of the aforesaid directions, an affidavit is filed by the Deputy Registrar, Co-operative Societies, but its reading would reveal that no documents are available in the office of the Deputy Registrar, but the record is reconstructed by procuring documents from Respondent No.5, i.e., Tirumala Co-operative Housing Society Ltd.

The compilation of documents annexed along with the affidavit include the application preferred by Respondent No.5 for registration.

3. Learned Senior Counsel, Mr. Kadam, would also point out a document which is in form of a notice being issued to the Vendor, Vinayak Construction, with reference to the application for registration being considered.

Definitely we do not see any notice being issued to the Petitioner but since the learned counsel for the Respondent No.5 Society would vehemently assert that that was not required at all, ultimately, the authority in the hierarchy of the Co-operative department will have to decide what was the procedure that was required to be followed before registering a Society and what are the consequence if such procedure has not been followed.

4. We are informed that the Appeal No. 150 of 2024 is closed for the orders by the Hon’ble Minister. By our order, we had directed to defer its hearing, as the Petitioner made a grievance that the file

pertaining to the registration granted to Respondent No.5 itself is missing.

However, in the wake of our orders passed, some documents have now been brought on record and they have been placed before us through an affidavit filed by the Deputy Registrar, Co-operative Societies.

In our opinion, at least this material shall be placed before the Hon'ble Minister for adjudicating Appeal No. 150 of 2024.

5. In such circumstances, we deem it appropriate to place the entire Writ Petition, along with its annexures, as well as the affidavit in reply filed by the Respondent No.4, along with its annexures, before the Hon'ble Minister for his consideration, as the Deputy Registrar had made a statement that whatever he could trace have been placed by way of an affidavit.

6. Upon the said proceedings being placed before the Hon'ble Minister, we also permit the Petitioner as well as the Respondent No.5 Society to file additional affidavit as well as written submissions, if they deem it necessary, before adjudication. Since we had imposed a restriction on the Hon'ble Minister from proceeding with the matter until the file was traced, upon the proceedings being placed before him, we permit him to adjudicate the Appeal.

Needless to state, we have not pronounced upon the merits of the matter, and all rights and contentions of the parties are kept open.

In view of the above, Writ Petition is disposed of.

(ASHISH S. CHAVAN, J.) **(BHARATI DANGRE, J.)**

Ashish