IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13715 OF 2026

Saeed Akhtar (Chairman) And Ors. **... Petitioners**

Versus

The Deputy Registrar, C. S.,

A Ward Mumbai And Ors. **... Respondents**

Mr. Mayur Khandeparkar a/w Mr. Raghav Dharmadhikari i/b Mr. Prashant P. Kulkarni for the Petitioners.

Mr. Rashmin Khandekar *a/w Mr. S. K. Pise for Respondent No.4.*

Ms. Dhruti Kapadia, *AGP for Respondent Nos. 1 and 5-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 13 OCTOBER 2026.

P.C. :

1) The Petition challenges Order dated 29 September 2026 passed by the Deputy Registrar, Co-operative Societies, A Ward, Mumbai disqualifying the entire Managing Committee under provisions of Section 154-B-23 of the Maharashtra Co-operative Societies Act, 1960 (the "**MCS Act**").

2) I have heard Mr. Khandeparkar, the learned counsel appearing for Petitioners, Mr. Khandekar, the learned counsel appearing for Respondent No.4 and Ms. Kapadia, the learned AGP appearing for

MANE SONALI DILIP
Digitally signed by MANE SONALI DILIP
Date: 2026.10.17 12:11:47 +0530

Respondent Nos. 1 and 5-State and considered the submissions canvassed by them.

3) It appears that Respondent No.4 was a member of the previous Managing Committee The elections of the Managing Committee were held on 10 September 2025 and the handover to the new Managing Committee took place 24 September 2025. Respondent No.4 submitted a requisition under provisions of Section 154-B-8 of the MCS Act on 21 January 2026 demanding six sets of documents. Prima facie, it appears that the document sets serial No. (i) to (v) do not come within the ambit of provisions of Section 154-B-8 of the MCS Act. However, the document at serial No. (vi) i.e. "copy of all AGM/SGM minutes from 2014 till 2025 with annexure" may come within the ambit of provisions of Section 154-B-8 of the MCS Act.

4) It is the contention of the Petitioners that various notices allegedly issued by the Deputy Registrar on 3 July 2026, 9 July 2026, 20 July 2026 and 24 July 2026 were never received by them.

5) It also appears that in his application seeking disqualification of the Managing Committee, Respondent No.4 did not implead 16 Managing Committee members by names. He impleded only the society, and its Chairman and Secretary by designation in his application. The application was filed under provisions of Section 154-B-8 and Section 78 of the MCS Act. The application filed by Respondent No.4 did not even refer to provisions of Section 154-B-23 of the MCS Act.

6) In the impugned Order dated 29 September 2026, the Deputy Registrar has referred to a show cause notice dated blank, which is shown to have been issued under Section 154-B-27(2) and Section 154-B-8(1) and (2) of the MCS Act. It appears that no show cause notice was issued under provisions of Section 154-B-23 of the MCS Act to the members of the Managing Committee calling them upon to explain as to why they should not be disqualified. In fact, it appears that no show cause notice was issued under any provisions since the "Reference No." Order dated 29 September 2026 contains a blank date.

7) The Deputy Registrar has proceeded to disqualify the entire Managing Committee comprising of 16 members even though they were not impleaded to the application filed by Respondent No.4. The order is passed in gross violation of the principle of natural justice. In my view, therefore, the impugned order dated 29 September 2026 is clearly unsustainable and liable to set aside.

8) It appears that Petitioners have already filed Revision Petition against Order dated 29 September 2026. However, since hearing of the same is adjourned, the Petitioners have filed a present Petition under apprehension of the Administrative Officer taking over charge of affairs of the society. Mr. Khandeparkar undertakes to withdraw the Revision Petition. Since the impugned order is passed in gross violation of principles of natural justice, this Court would be justified in entertaining a direct Petition against Order dated 29 September 2026 following ratio of the judgment of the Apex Court in ***Whirlpool Corporation Vs Registrar Of Trade Marks, Mumbai & Ors.***[1]

1 AIR 1999 (SC) 22

9) In my view, therefore, the impugned order dated 29 September 2026 deserves to be set aside. Ordinarily, this Court would have remanded the proceedings to the Deputy Registrar for fresh adjudication. However, it appears that the application filed by Respondent No.4 is faulty, since he did not implead the members of the Managing Committee whose disqualification was sought in the application. Therefore, it would be appropriate to grant liberty to Respondent No.4 to file a fresh application in case he desires to seek disqualification of members of the Managing Committee.

10) In view of the above discussion, the Petition succeeds. Order dated 29 September 2026 passed by the Deputy Registrar is set aside. Respondent No.4 shall be at liberty to file a fresh application seeking disqualification of members of the Managing Committee and if such application is filed, the same shall be decided on its own merits, without being influenced by any of the observations made in this order.

11) With the above discussion, the Writ Petition is **allowed and disposed of**. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]