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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.324 OF 2026

Mohammad Akbar Kapadia	... Petitioner
V/s.	
The Deputy Registrar, Coop. Societies & Ors.	... Respondents

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Mr. Shantanu Raktate with Mr. Amar Parsekar and Mr.
Ajinkya Desai for the petitioner.

Mrs. V.R. Raje, AGP for respondent Nos.1, 2, and 4-
State.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 21, 2026

P.C.:

1. The challenge in this writ petition arises from the proceedings under Section 154B-29 of the Maharashtra Co-operative Societies Act 1960. The section provides a summary procedure for recovery of dues. The issue here is whether such recovery proceedings were lawful in the facts on record.

2. The petitioner is a member of the respondent housing society. The society was registered in 2006. In 2017 the society issued a demand notice seeking recovery of maintenance dues from 2001 to 2017. The petitioner disputed this demand. He filed a dispute under Section 91 of the MCS Act before the Co-operative Court. The Co-operative Court held that the society cannot recover dues prior to its registration in the year 2006. The Court set aside

the notice issued by the society and clarified that the society can recover maintenance from the date of registration. The Court also directed the society to furnish a true and legally correct up to date statement of account for Flat No. A-1201 within two months. This award attained finality.

3. According to the petitioner the society did not comply with the above direction. Instead the society invoked proceedings under Section 154B-29 for recovery of dues. The petitioner opposed the application under Section 154B-29. He stated that the society failed to supply the account statement as directed in clause 6 of the award. He also stated that the extract filed by the society related to 2024 and did not contain earlier entries. He claimed that this caused prejudice to him because he was unable to verify past entries. On this basis he argued that the proceedings for recovery of dues from 2006 to 2024 are not maintainable till the award is complied with.

4. The Registrar examined these objections. The Registrar recorded a finding that the society filed detailed account extracts from May 2006 till September 2026. The extracts showed year-wise and item-wise maintenance dues. The Registrar referred to the yearly maintenance of the petitioner from 2006-2007 till 2021. After examining the records the Registrar held that the petitioner continuously failed to pay maintenance. The Registrar further held that charging simple interest at 21 percent is permissible under Bye-law 71 and therefore the calculation was in accordance with the bye-laws.

5. The petitioner filed a revision under Section 154 of the MCS Act. The revisional authority re-appreciated the material. The revisional authority found that the recovery is limited to the period from May 2006 onwards. The revisional authority found no error in the calculation or the period of recovery and dismissed the revision.

6. The petitioner argued before this Court that failure of the society to comply with clause 6 of the award caused prejudice to him. This argument cannot succeed. Clause 6 required the society to give an account statement. The purpose of such a statement is to allow the member to verify the dues. In the proceedings under Section 154B-29 the society produced detailed extracts from 2006 onwards. The petitioner had an opportunity to rebut those extracts. It was open to the petitioner to show that the entries were incorrect or that the calculations were wrong. He did not do so. His reply before the Registrar did not point out any specific error or excess. He only raised a technical objection about non-compliance of the award. Such an objection does not show prejudice when full extracts are already placed on record and are open to challenge on merits.

7. The factual findings of the Registrar and the revisional authority are based on account statements which cover the relevant period. There is no contrary evidence produced by the petitioner to dislodge those findings. The conclusion that dues are recoverable from 2006 onwards is supported by the award of the Co-operative Court. The conclusion that interest at 21 percent is chargeable is supported by the bye-laws. These findings do not

show any illegality or perversity. The writ court does not interfere with concurrent findings of fact unless they are arbitrary or unsupported by evidence. No such case is made out here.

8. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)