

AGK

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

WRIT PETITION NO.1383 OF 2026

Sudhir Mangelal Agarwal ... Petitioner
V/s.
The Deputy Registrar of Cooperative
Societies, K/East Ward & Ors. ... Respondents

ATUL
GANESH
KULKARNI
Digitally signed by
ATUL GANESH
KULKARNI
Date: 2026.02.05
15:59:59 +0530

Mr. Mohit Bhardwaj with Vinod Prajapati for the
petitioner.

Mr. Y.D. Patil, AGP for respondents-State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 4, 2026

P.C.:

1. By this writ petition, the petitioner questions the legality of the Judgment and Order dated 20 August 2025 passed by the District Deputy Registrar, Cooperative Societies in Revision Application No. 83 of 2024. By the said order, the revisional authority allowed the revision filed by the society, set aside the recovery certificate issued under Section 154B-29 of the Maharashtra Cooperative Societies Act, 1960, and remanded the proceedings to the First Authority. The remand was directed so that the First Authority may consider the effect of the judgment of this Court in Writ Petition No. 851 of 2019 dated 31 July 2024.

2. The challenge is not to a final adjudication on merits. It is to an order of remand. This distinction is important. The revisional authority has not decided rights finally. It has only required the

original authority to reconsider the matter in the light of a binding judgment of this Court.

3. The main submission of the petitioner is that the revision application was filed belatedly and that the delay of about one thousand days was condoned by a brief and unsatisfactory order. According to the petitioner, such condonation causes serious prejudice and the remand, after almost four years, defeats his statutory right to recovery under Section 154B-29.

4. This argument, though attractive at first glance, does not sustain on closer examination. A statutory right is not extinguished merely because the matter is remanded. The certificate has been set aside for reconsideration. It has not been held illegal on merits. The petitioner retains the opportunity to establish his claim before the First Authority once again. A remand does not wipe out the claim. It only reopens the stage of decision.

5. On perusal of the impugned order, the factual position becomes clear. The revision was filed on 11 October 2021 against the order dated 28 September 2021 passed by the Deputy Registrar. The society removed office objections on 5 July 2024. Thereafter, the revisional authority issued notice and granted opportunity of hearing. The matter was fixed for hearing on 30 July 2024. It is only thereafter that an intervener, on 22 July 2025, raised the objection regarding limitation.

6. These dates show that the proceedings were pending before the revisional authority for a considerable period. The authority has taken note of the sequence of events. Whether the delay was

properly explained or not is essentially a matter within the discretion of the revisional authority. Unless such discretion is exercised arbitrarily or without jurisdiction, interference under Article 226 is not warranted. A brief order does not automatically mean a mechanical order. The record must show perversity or patent illegality. The petitioner has not demonstrated such infirmity.

7. More importantly, the revisional authority has remanded the matter so that the First Authority may consider the binding judgment of this Court dated 31 July 2024. Once a higher court lays down law on a relevant issue, the subordinate authority must examine its effect. If the original order was passed without the benefit of that pronouncement, reconsideration becomes necessary.

8. The petitioner has not shown how this remand causes irreversible prejudice. No vested right is taken away. No final finding against the petitioner is recorded. He will have full opportunity to present his case before the First Authority. If the ultimate decision goes against him, he will have remedies available in accordance with law. At this stage, interference would be premature.

9. The jurisdiction under Article 226 is discretionary. It is not meant to correct every procedural order. Courts ordinarily do not interfere with orders of remand unless grave injustice is demonstrated. In the present case, no such injustice is established. The impugned order merely restores the matter for fresh consideration in light of a binding precedent.

10. For these reasons, no ground is made out for interference. The writ petition stands dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)