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

WRIT PETITION NO.8936 OF 2025

Nymph Cooperative Housing Society
Limited, through Secretary ... Petitioner

V/s.

The District Deputy Registrar, Coop.
Societies, Mumbai City-1 & Ors. ... Respondents

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Ms. Usha Tiwari with Ms. Vandana Tiwari for the
petitioner.

Mrs. M.S. Srivastava, AGP for respondent Nos.1 and 2-
State.

Mr. Vinayak Palande for respondent Nos.3(a) to 3(e).

Mr. Yogesh Deshpande with Mr. Pranav Rane i/by YKD
& Associates for respondent No.4.

Mr. Mohamedali M Chunawala for respondent No.6-
Union of India.

Mr. Rahul Tervankar for respondent No.7-Central Bank
of India.

Mr. Swayam Chopda, OSD. Court Receiver, is present.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 19, 2026

P.C.:

1. The challenge in this writ petition arises out of proceedings initiated by a housing society under Section 154B-29 of the Maharashtra Cooperative Societies Act, 1960 ("MCS Act").

2. The authorities under the Act refused to issue certificate in favour of the society mainly on the ground that the dispute in

relation to area of flat No.72 is pending in Civil Court, and unless such dispute is adjudicated by the Civil Court, such liability cannot be imposed in exercise of summary powers under Section 154B-29 of the MCS Act.

3. Chapter VIII-B creates a separate scheme for housing societies. The legislature inserted this chapter to deal only with issues of housing societies. Section 154B-29 forms part of this special scheme. It begins with a non obstante clause. It gives priority to Section 154B-29 over Sections 91, 93, and 98. The Registrar gets power to decide the dues of a housing society. The intention is to provide a quick remedy to the society. A housing society runs on contributions from members. It pays salaries of security and maintenance staff. It pays taxes and charges to local bodies. It meets common expenses. The society recovers these expenses from members by way of maintenance. If authorities accept technical objections, the society cannot recover such expenses. The statute does not permit such delay. Civil suits involve questions of title or other serious disputes. Section 154B-29 does not deal with such matters. Its scope is confined to determining dues payable to the society.

4. Under Section 154B-29, the authority must check whether the premises is a flat as defined under Section 154B-1(13). If the record of the society shows that the premises is a flat, the occupier must pay dues. Such dues cannot be compared with taxes or levies under other laws. The relationship inside a cooperative society is based on mutual benefit. A member gets one vote. A company structure does not apply. A cooperative housing society is created

to provide housing and shared facilities. Members must contribute to the costs. This statutory scheme supports recovery of dues without long and complicated litigation.

5. In this background, authorities under the Act must adopt a practical approach. They must support the functioning of the housing society. They must ensure quick recovery of legitimate dues. Delay harms the collective interest of all members. The Act does not intend such delay.

6. If the society files an application for recovery and there is no serious dispute, the authority must issue a recovery certificate. A member can dispute the amount. In such a case, the member must produce material to show that the society violated the Act, the Rules, the Bye-laws, or a general body decision. If no such material exists, the authority must not deny the certificate. Principles like limitation or provisions like Section 92 do not govern such adjudication. The object of Section 154B-29 is to avoid such technical hurdles.

7. In this case, the contesting respondent claims that the original larger flat No.72 was divided into two units. He claims that the society has recognized flat No.72 by a registered instrument. This indicates that flat No.72 exists on record as a separate unit.

8. The record shows that the society issued the bill in respect of flat No.72. The society seeks recovery only for flat No.72. The society relies on the area shown in its records. If there is a dispute regarding the actual area of the flat, such dispute falls outside

Section 154B-29. That dispute must be decided by a competent civil court in separate proceedings. Such proceedings cannot stop the society from recovering dues shown on its records. The statute gives the society this right. The authorities under the Act therefore committed an error in refusing the certificate.

9. The impugned orders dated 24 March 2022 and 25 April 2023 passed by the authorities under the Act are quashed and set aside.

10. The proceedings are remitted back to the respondent No.2 for adjudication afresh. The respondent No.2 shall upon consideration of the area of flat No.72 as is reflected from the record of society, and shall adjudicate upon the dues of the society.

11. The respondent No.2 shall grant opportunity of hearing to both sides including opportunity to place on record documents and shall adjudicate grievance of both sides.

12. The respondent No.2 shall decide the dispute within eight (8) weeks from the date of appearance of the parties.

13. Both parties shall appear before respondent No.2 on 27 January 2026 at 11.00 a.m.

14. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)