

MPBalekar

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

WRIT PETITION NO. 13524 OF 2025

Girish Kulkarni and Ors. ... Petitioners

V/s.

Deputy Registrar Co-Op. Soc., Thane
and Anr. ... Respondents

Mr. Sagar A. Joshi, for the petitioners.

Mrs. M. S. Srivastava, AGP for the State – respondent
No.1.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 5, 2026

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. The petitioners are members of the Managing Committee of a housing society. They have challenged the action taken by respondent No.1 under Section 75(5) of the Maharashtra Co operative Societies Act, 1960. The action is based on two grounds. First, that the annual general meeting for the financial year 2023–2024 was not held within the prescribed time. Second, that the accounts were not audited within the stipulated period. On this basis, the entire Managing Committee has been disqualified.
3. In reply to the show cause notice, the petitioners placed specific facts on record. They stated that the delay in holding the annual general meeting occurred solely because the statutory audit for the financial year 2023–2024 was not completed in time. The audit was to be carried out by a Certified Auditor appointed from

the official panel. The petitioners had no control over the pace at which the auditor completed the work. After the audit was completed, the Certified Auditor submitted his report on 16 October 2024. Immediately thereafter, the society issued notice of the annual general body meeting on 28 October 2024. The meeting was actually held on 9 November 2024. These facts are supported by documentary material and are not shown to be incorrect.

4. On 17 October 2025, this Court issued notice to the respondents. The Bailiff Report records that the notice was pasted on the outer part of the house. The petitioners have also filed an affidavit of service, which shows that the contesting respondents were duly served. Despite such service, none appeared on behalf of the respondents.

5. The petitioners contend that the power under Section 75(5) has been exercised mechanically, without examining the actual cause for the delay and without considering whether the lapse was deliberate or beyond their control.

6. A perusal of the impugned orders shows that for the delay in holding the annual general meeting for the financial year 2023–2024, the authority has disqualified the entire Managing Committee. The order does not examine whether the delay was intentional, negligent, or unavoidable. This Court, in *Kailash Maheshwari Vs. State of Maharashtra, Writ Petition No.10587 of 2025 decided on 25 September 2025*, has laid down clear parameters for exercise of power under Section 75(5) of the MCS

Act.

7. In the present case, the record shows that the annual general meeting was ultimately held on 9 November 2024. The reason for delay was the late submission of the audit report by the Certified Auditor. The audit report was submitted on 16 October 2024. Soon thereafter, on 20 October 2024, the society initiated steps to convene the annual general body meeting by issuing notice. This conduct indicates prompt action once the audit was completed. These facts demonstrate substantial compliance with the requirements of Section 75(5). There is no material to suggest deliberate default or wilful neglect on the part of the Managing Committee. In such circumstances, supersession or disqualification of the entire Managing Committee appears disproportionate and unreasonable, and not supported by the object of the provision.

8. Hence, Rule is made absolute in terms of prayer clause (a).

9. Hence, the writ petition stands disposed of.

(AMIT BORKAR, J.)