

MPBalekar

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

WRIT PETITION NO. 13564 OF 2025

Jupiter Co-operative Housing Society
Ltd. and Ors. ... Petitioners
V/s.
State of Maharashtra and Ors. ... Respondents

Mr. Ajit Anekar along with Siddhant Sawhney and
Avanti Kher i/by Auris Legal for the petitioners.

Mr. P.V. Nelson Rajan, AGP for the State – Respondent
No. 1 to 4.

Mr. Yogesh Yagnik for respondent No. 5.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 7, 2026

P.C.:

1. The writ petition challenges an order passed by the Registrar under Section 18 of the Maharashtra Co operative Societies Act, 1960, by which bifurcation of the society was directed. The first authority ordered bifurcation. The Appellate Authority did not finally decide the issue. It remitted the matter back to the first authority for fresh consideration on specific points. Thereafter, in revision filed by the contesting respondents, the Revisional Authority mainly examined one aspect, namely whether the continuance of a single society was causing injustice to minority shopkeepers and whether their business interests were affected. The revisional order shows that the focus remained confined to this single consideration, without examining other relevant factors

required under the statute.

2. This Court has already laid down clear parameters for deciding cases of division or bifurcation of a society under Section 18 of the MCS Act in *Abdul Rehaman Adam Dawa vs District Deputy Registrar of Co operative Societies, K West Ward, Mumbai Suburban District and others*, decided on 11 November 2025. In paragraph 42 of the said judgment, specific factors have been enumerated which must be examined before directing bifurcation. On careful perusal of the impugned orders, it is evident that none of the authorities have examined those parameters. The record does not show any discussion or finding on those aspects. Therefore, the decision making process remains incomplete and unsupported by the binding legal framework laid down by this Court. In such circumstances, the matter requires fresh consideration strictly in accordance with the parameters laid down in paragraph 42 of the said judgment.

3. Accordingly, the Deputy Registrar, Co operative Societies, R South Ward, respondent No. 4, shall reconsider the issue afresh. While doing so, respondent No. 4 shall grant full opportunity of hearing to all concerned parties. The parties shall be permitted to place on record documents and material in support of their respective claims. The authority shall examine only those aspects which are relevant and supported by evidence and shall pass a reasoned order in accordance with law.

4. All parties shall appear before respondent No. 4 on 19 January 2026. Respondent No. 4 shall decide the matter

expeditiously and preferably within a period of eight weeks from the date of appearance of the parties.

5. With these directions, the writ petition stands disposed of.

(AMIT BORKAR, J.)