

Shabnoor

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

WRIT PETITION NO.14844 OF 2025

Rukhsana Mohd. Hussain Fallah & Ors. ... Petitioners

V/s.

The Divisional Joint Registrar,
Cooperative Societies Pune & Ors. ... Respondents

WITH

WRIT PETITION NO.14871 OF 2025

Rukhsana Mohd. Hussain Fallah & Ors. ... Petitioners

V/s.

The Divisional Joint Registrar,
Cooperative Societies Pune & Ors. ... Respondents

Mr. Aadesh Patil, for the Petitioners.

Mr. A. C. Bhadang, AGP, for the State – Respondent Nos.1 and 2
in WP/14844/2025.

Mr. O. S. Deshmukh, AGP, for the State – Respondent Nos.1 and
2 in WP/14871/2025.

Mr. Tukaram Shendge, for Respondent No.3 in both WPs.

Mr. S. S. Panchpor a/w Mr. P. J. Gavhane, for Respondent No.4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2026

P.C.:

1. The present petitions arise out of proceedings initiated under Section 75(5) of the Maharashtra Cooperative Societies Act, 1960 (“the MCS Act”). By an order dated 24 June 2024, the Deputy Registrar disqualified the petitioners from continuing as members

of the Managing Committee and further restrained them from being appointed for a period of six months from the date of the order.

2. While passing the said order, the Deputy Registrar recorded a finding that the petitioners had complied with all core compliances under the Act. However, the only ground on which the petitioners appear to have been disqualified is that the auditor appointed by the Society was allegedly not appointed through a proper Resolution of the Managing Committee. Such ground does not fall within the scope of Section 75 of the MCS Act. In the absence of any breach contemplated under Section 75, the Authority could not have exercised powers under Section 75(5), much less against the entire Managing Committee.

3. The Revisional Authority dismissed the Revision Application mainly on the ground that an order under Section 77A of the MCS Act was passed and thereafter elections have been conducted. However, the issue of disqualification remained stayed and not adjudicated on merit.

4. In the absence of fulfillment of the ingredients contemplated under Section 75, the impugned order dated 24 June 2024 passed under Section 75(5) is unsustainable in law. Accordingly, the disqualification of the petitioners is set aside.

5. The petitions stand allowed in the aforesaid terms. No order as to costs.

(AMIT BORKAR, J.)