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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15585 OF 2025

Vilas Bhimrao Phadtare

... Petitioner

V/s.

State of Maharashtra & Ors.

... Respondents

ATUL
GANESH
KULKARNI

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Mr. Kishor T. Lawate i/by Ms. Priya Mante and Mr.
Akshay R. Kapadia for the petitioner.

Mr. Y.D. Patil, AGP for respondent Nos.1 to 3-State.

Mr. Hemant Ghadigaonkar with Mr. Sandesh More, Mr.
Hitendra Gandhi and Mr. Ohm Gandhi for respondent
Nos.6 to 8.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 16, 2025

PC.:

1. **Rule.** Rule is made returnable forthwith.
2. The present writ petition questions the legality of an order passed by the revisional authority. By that order, the revisional authority set aside a report prepared under Section 83 of the Maharashtra Cooperative Societies Act, 1960 and proceeded to appoint a fresh Inquiry Officer for conducting a fresh inquiry. The core issue, therefore, is whether such a revisional exercise was permissible in law when the subject matter before the revisional authority was only a report and not a statutory decision or order determining rights or liabilities.

3. The legal position on this aspect is no longer uncertain. This Court, in *Sayajirao Narayan Takwane versus Divisional Joint Registrar, Writ Petition No. 544 of 2022, decided on 4 February 2025*, has clearly held that a report under Section 83 of the MCS Act is only a fact-finding exercise. It does not decide any dispute. It does not adjudicate rights. It does not impose any civil consequence by itself. Such a report, therefore, cannot be treated as a decision or an order under Section 154 of the MCS Act. Revisional jurisdiction can be invoked only against a decision or order passed under the Act. When the statute itself does not recognise a Section 83 report as an order, no revision can lie against it. This legal principle squarely applies to the facts of the present case. On the admitted record, the respondent invoked revisional powers only against a Section 83 report. The revision was, therefore, not maintainable in law. The revisional authority acted without jurisdiction in entertaining it and in directing a fresh inquiry.

4. Once this position is accepted, the consequence follows as a matter of law. The impugned revisional order cannot be sustained. The challenge raised in the writ petition succeeds.

5. Rule is, therefore, made absolute in terms of prayer clause (b).

6. At the same time, fairness demands a clarification. Setting aside the revisional order does not mean that the Section 83 report becomes immune from scrutiny for all purposes. If respondent Nos. 6 to 8 are aggrieved by the report, the law provides other

remedies. They are free to adopt such proceedings as are permissible under the MCS Act or any other applicable law. All their contentions on facts and law are kept open. This Court has not examined the merits of the report. Those issues may be raised and decided in appropriate proceedings, if and when instituted.

(AMIT BORKAR, J.)