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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17281 OF 2025

Ruby Isle Cooperative Housing Society
Ltd

... Petitioner

V/s.

State of Maharashtra and Others

... Respondents

Mr. Jagannath Pawar, for Petitioner.

Mr. O. A. Chandurkar, Additional GP with Ms. G. R.
Raghuwanshi, AGP for Respondent no. 1.

Mr. Abhilash Panickar, for Respondent Nos. 3 and 4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 17, 2026

P.C.:

1. The present petition, instituted at the instance of the Co-operative Housing Society, assails the order passed by the Deputy Registrar in exercise of powers under Section 154B-27 of the Maharashtra Co-operative Societies Act. By the impugned order, the Deputy Registrar has directed the petitioner-society to delete the penal charges reflected in its account extract, placing reliance upon his earlier order dated 18 October 2019 as well as the judgment of this Court in *Kiran K. Sharma and Another vs. Laxmi Estate Co-operative Housing Society* in Writ Petition No. 3479 of

2023 decided on 25 January 2024.

2. Learned counsel appearing for the petitioner submits that the authority conferred upon the Deputy Registrar under Section 154B-27 is in the nature of an execution or enforcement power and does not extend to adjudication of inter se rights and liabilities of parties. The petitioner further submits that the society has adjusted the liability of respondent Nos. 3 and 4 towards future maintenance charges.

3. On the other hand, learned counsel for respondent Nos. 3 and 4 relies upon the order dated 19 October 2019 whereby the society was directed to delete charges levied on the ground of alleged encroachment. It is contended that the society acted upon the said order and removed the corresponding entries from its account extract. However, in the year 2025 the society again imposed identical charges. The impugned order, according to the respondents, merely enforces compliance with the earlier order dated 18 October 2019 and therefore falls squarely within the jurisdiction of the Deputy Registrar.

4. After hearing both sides and examining the material placed on record, the position becomes clear. The fresh demand raised by the society was not confined to the earlier amount. It contained two separate components. The first was the earlier encroachment charge of Rs. 78,750 along with interest. The second was a further amount of Rs. 4,15,800 which the society claimed for the period from 01 May 2019 to 31 March 2025 on

the allegation that the violation continued. Thus, what was sought to be recovered was partly the subject matter of the earlier order and partly a new claim founded on alleged continuing default.

5. Even if one proceeds on the footing that the Deputy Registrar intended only to secure compliance of his earlier order dated 18 October 2019, the jurisdiction could extend only to that limited extent. The earlier order concerned the charges already imposed at that time. The additional liability created for the subsequent period from 01 May 2019 to 31 March 2025 stands on a different footing. That claim required examination of facts, determination whether encroachment actually continued, and consideration whether the society was entitled to levy such charges. Such an exercise necessarily involves adjudication of rights and cannot be treated as mere enforcement of a prior direction. Therefore, there was no justification for the authority to deal with the amount of Rs. 4,15,800 in proceedings under Section 154B-27.

6. A reading of paragraph 4 of the impugned order shows that the Registrar went into the merits of the dispute. By relying upon the decision of this Court in the case of *Kiran K. Sharma*, the authority assessed whether the levy of charges itself was proper. This was not a simple direction to follow an existing order. It amounted to examining the legality and validity of the demand and thereby deciding the liability between the parties.

7. In these circumstances, the authority exercised a power which the statute does not confer under Section 154B-27. The provision enables implementation of an existing order. It does not authorise determination of a fresh dispute regarding the correctness of charges. Consequently, the impugned order dated 08 October 2025 cannot be sustained and is quashed and set aside. However, the society shall refund the amount covered by the order dated 18 October 2019 together with interest.

8. At the same time, respondent Nos. 3 and 4 are not left without remedy. They are at liberty to adopt appropriate proceedings permissible in law to question the validity and justification of the encroachment charges in the light of the decision in *Kiran K. Sharma*. If such proceedings are initiated or if defense to that effect is raised, the competent authority or court shall consider the matter independently on its own merits and shall not be influenced by any observations contained either in the order of the Registrar or in the present judgment.

9. The Petition is disposed of.

(AMIT BORKAR, J.)