

Sayali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 999 OF 2026

SAYALI
DEEPAK
UPASANI

M/s. Thakkar Enterprises through
Ramesh N. Thakkar

... Petitioner

V/s.

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by SAYALI
DEEPAK
UPASANI

Date: 2026.01.27
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Hermes Drome Co-op. HSG Society Ltd
through Rupendra Sandhir and Others

... Respondents

Mr. Vivek Kantawala with Mr. Amey Patil, Manav
Kantawala i/b Jash B. Vyas, for Petitioner.

Mrs. Savina R. Crasto, AGP for Respondent nos. 2 to
4.

Mr. Ravindra S. Pachundkar, for Respondent No. 1.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 27, 2026

P.C.:

1. The dispute comes from proceedings that a Housing Society filed under Section 101 of the Maharashtra Co-operative Societies Act. The Society wanted to recover maintenance dues from the petitioner. The Competent Authority issued a recovery certificate on 12 December 2018. A later event changed the situation. On 22 February 2021, the Authority passed an order and de-registered respondent No. 1 Society. It appears that the petitioner filed the Revision Application in 2020 when the Society was still active. Later, on 22 February 2021, the Authority

ordered de-registration. This means that from 22 February 2021 onward, respondent No. 1 ceased to exist. In such a situation there should have been a substitution of the Society by a proper person. That person could be a official assignee or another person whom the Registrar may appoint to represent the Society. Without such substitution the case had no proper contesting respondent.

2. When a legal entity is de-registered it loses legal existence. It cannot defend itself. A proceeding cannot go on without a proper representative of that entity. The Revisional Authority cannot decide the matter if the main respondent is not before it in a lawful manner. The absence of a competent representative creates a defect that goes to the root of the proceeding. The Authority must have a party who can receive notice, file a reply, and make submissions.

3. This Court finds that the correct approach is to send the matter back to the Revisional Authority. The petitioner must add a proper representative of respondent No. 1 Society. After that, the Revisional Authority must give such representative a fair opportunity of hearing. Then the Authority can decide the Revision Application on merits and in accordance with law. For these reasons, the order dated 6 November 2025 passed by the Revisional Authority cannot stand. It is quashed and set aside.

4. The petitioner may add an appropriate person, including a official assignee if one exists, as the representative of respondent

No. 1 Society. After adding such person, the Divisional Joint Registrar must give that person a chance to put forward objections and arguments. After that, the Authority must decide the Revision Application on its own merits.

5. The petitioner complains that respondent No. 1 Society is taking coercive steps for recovery of maintenance. This situation cannot continue in the same manner because the Society no longer exists. Since the Society is de-registered, only a official assignee or another competent person appointed by the Registrar can take those steps. No other person can act in the name of a Society that has lost legal existence.

6. The Petition stands disposed of with these directions.

(AMIT BORKAR, J.)