

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1518 OF 2026

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Bina Amresh Tiwary ... Petitioner
V/s.
Deputy Registrar
of the Cooperative Societies, Thane City
& Ors. ... Respondents

WITH
WRIT PETITION NO.1519 OF 2026

Bina Amresh Tiwary & Anr. ... Petitioners
V/s.
Deputy Registrar
of the Cooperative Societies, Thane City
& Ors. ... Respondents

Mr. Prashant P. Kulkarni, Rachan Mamnani, and Ritika
Rajeev, for the Petitioner.

Dr. Dhruti Kapadia, AGP, for the State – Respondent
Nos. 1 and 3 in WP/1518/2026.

Ms. Pooja Patil, AGP, for the State – Respondent Nos.1
& 5 in WP/1519/2026.

Mr. Sandesh Deshpande, for Respondent Nos.2, 4 and
5.

CORAM : AMIT BORKAR, J.

DATED : MAY 6, 2026

P.C.:

WRIT PETITION NO.1518 OF 2026

1. The present petition takes exception to the judgment and
order dated 9 December 2025 passed by the Revisional Authority,

whereby the revision application preferred against the order passed under Section 75(5) of the Maharashtra Co-operative Societies Act, 1960 ("the MCS Act") came to be allowed principally on the premise that Respondent No. 4 was elected in March 2025. According to the Petitioner, Respondent No. 4 had admittedly held the office of Chairman of the Society during the period from 2021 to 2024, and it is during the said tenure that the alleged defaults and statutory lapses under Section 75 of the MCS Act were committed. It is the contention of the Petitioner that once the statutory conditions contemplated under Section 75 are satisfied, the consequence of disqualification follows by operation of law. On the other hand, the Respondents have contended that there was due and substantial compliance with the requirements prescribed under Section 75 of the MCS Act and, therefore, no case for disqualification was made out.

2. Upon consideration of the material placed on record, it appears that the First Authority had recorded a clear and categorical finding regarding non-compliance with the provisions of Section 75 of the MCS Act. However, the Revisional Authority proceeded to allow the revision application solely on the ground that Respondent No. 4 had been elected in the year 2025. Though such observation may not be factually incorrect, the same has no bearing upon the controversy relating to the alleged defaults committed during the period from 2021 to 2024 while Respondent No. 4 was functioning as Chairman of the Society. The issue before the Revisional Authority was required to be examined in the context of the findings recorded by the First Authority concerning

the alleged statutory violations and the legal consequences flowing therefrom. In absence of any independent consideration or adjudication upon the findings so recorded by the First Authority, the Revisional Authority could not have allowed the revision application merely on the basis of subsequent election in the year 2025. The Revisional Authority was under an obligation to examine whether the lapses attributed to Respondent No. 4, as noticed by the First Authority, were sustainable in law and supported by the material on record. In these circumstances, the impugned judgment and order dated 9 December 2025 passed in Revision Application No. 154 of 2025 cannot be sustained and deserves to be quashed and set aside.

3. The Divisional Joint Registrar is accordingly directed to decide Revision Application No. 154 of 2025 afresh and in accordance with law, after granting an adequate opportunity of hearing to all concerned parties.

4. The parties shall appear before the Divisional Joint Registrar on 11 May 2026 without awaiting any further notice.

5. The Divisional Joint Registrar shall make an endeavour to dispose of the revision application as expeditiously as possible and preferably within a period of six weeks from the date of appearance of the parties.

6. The writ petition accordingly stands disposed of in the aforesaid terms. There shall be no order as to costs.

WRIT PETITION NO. 1519 OF 2026

7. The factual background giving rise to the present petition is substantially similar to that involved in Writ Petition No. 1518 of 2026. However, in the present petition, the grievance raised by the Petitioner pertains to the prayer seeking enhancement of the period of disqualification. In view of the order passed in Writ Petition No. 1518 of 2026 directing fresh consideration and adjudication of the revision application by the Revisional Authority, the adjudication in the present petition would necessarily depend upon and remain contingent upon the decision that may ultimately be rendered by the Revisional Authority upon remand.

8. The Petitioner shall be at liberty to advance all submissions in support of the prayer seeking enhancement of the period of disqualification before the Revisional Authority. The Petitioner shall also be entitled to place on record such additional documents and material as may be considered necessary in support of the said contention.

9. The writ petition stands disposed of in the aforesaid terms. .

10. No order as to costs.

(AMIT BORKAR, J.)