

AGK

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

WRIT PETITION NO.3723 OF 2026

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2026.03.25
17:41:09 +0530

The Wai Urban Cooperative Bank Ltd.
Through Pushkaraj Chandrakant Mapari ... Petitioner

V/s.

Malhari Tulshiram Khandebharad & Ors. ... Respondents

Mr. Chinmay R. Deshpande for the petitioner-bank.

Mr. Pavan S. Patil with Mr. Tanmay A. Deshmukh for
respondent Nos.1 to 6.

Smt. A.A. Alaspurkar, AGP for respondent No.13-State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 25, 2026

P.C.:

1. The present writ petition arises from an order passed by the Revisional Authority under Section 154 of the Maharashtra Cooperative Societies Act, 1960. By the said order, the Revisional Authority has interfered with and set aside a pre attachment notice issued by the Special Recovery Officer. It is necessary to understand what exactly was before the Revisional Authority. The notice in question was only a step taken before actual attachment. It was in the nature of an intimation or warning to the concerned party that recovery proceedings may follow. It did not finally decide any right. It did not determine liability. It did not conclude the recovery proceedings. In that sense, it was only a preparatory action.

2. When the matter is examined from this angle, the basic issue becomes clear. Section 154 gives revisional powers only in respect of an order or decision passed by a subordinate authority. The words used in the statute are important. They indicate that there must be some determination. There must be some application of mind resulting in a conclusion affecting rights of parties. A mere notice issued before taking further steps cannot be equated with such an order. If every preliminary step is allowed to be challenged in revision, then the entire recovery mechanism will come to a standstill. Proceedings will be delayed at every stage. That could not have been the intention of the legislature.

3. The pre attachment notice in the present case does not answer the description of an order or decision. It does not create any civil consequences by itself. It only calls upon the party to respond. The party still has an opportunity to put forward its case before any final action is taken. Therefore, the assumption of jurisdiction by the Revisional Authority itself becomes questionable. Once the foundation is lacking, the entire exercise carried out by the Revisional Authority cannot be sustained.

4. There is one more aspect which cannot be ignored. The Division Bench of this Court in *Govindrao Shankarrao Gaikwad vs The Ganesh Cooperative Bank and others* Writ Petition No.4118 of 2014 and connected writ petitions, decided on 4 March 2026 has recently clarified the position of law. It has been held that even in cases where a person seeks to challenge an action in a derivative manner, the requirement of Section 154-2A must be strictly followed. This requirement is a condition precedent. It ensures

that only such matters reach the revisional forum where statutory conditions are satisfied. If this requirement is not complied with, the revision itself is not maintainable.

5. In the present case, there is nothing to show that such compliance has been made. Therefore, even assuming for a moment that the notice could be questioned, the revision would still fail on this independent ground. Thus, on both counts, first, that the impugned notice is not an order or decision, and second, that mandatory requirement under Section 154 2A is not fulfilled, the order passed by the Revisional Authority cannot be allowed to stand.

6. The Revisional Authority has exercised jurisdiction where none existed. Such an order cannot be sustained in law.

7. Accordingly, the writ petition succeeds. Rule is made absolute in terms of prayer clauses (a) and (b). There shall be no order as to costs.

(AMIT BORKAR, J.)