



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4531 OF 2026

Vinod Gautam Pardeshi and Ors. **...Petitioners**

V/s.

Divisional Joint Registrar of Co-
Operative Societies and Ors. **...Respondents**

WITH

WRIT PETITION NO.4532 OF 2026

Vinod Dhaya Bhagat and Ors. **...Petitioners**

V/s.

Divisional Joint Registrar of Co-
Operative Societies and Ors. **...Respondents**

WITH

WRIT PETITION NO.4535 OF 2026

Vatsala Dhaya Bhagat and Ors. **...Petitioners**

V/s.

Divisional Joint Registrar of Co-
Operative Societies and Ors. **...Respondents**

WITH

WRIT PETITION NO.4540 OF 2026

Harishchandra Gautam Pardeshi and
Ors. **...Petitioners**

V/s.

Divisional Joint Registrar of Co-
Operative Societies and Ors. **...Respondents**

WITH

WRIT PETITION NO.4541 OF 2026

Tejas Anant Patil and Ors. **...Petitioners**

V/s.

Divisional Joint Registrar of Co-
Operative Societies and Ors.

...Respondents

WITH

WRIT PETITION NO.4542 OF 2026

Sharda Vinod Bhagat and Ors.

...Petitioners

V/s.

Divisional Joint Registrar of Co-
Operative Societies and Ors.

...Respondents

Mr. Vijay B. Dighe *for the Petitioners.*

Mr. Rajesh Parab *for Respondent No.3.*

Ms. M.S. Srivastava, *AGP for Respondent -State in WP/4531/2026.*

Ms. Ashwini A. Purav, *AGP for Respondent -State in WP/4532/2026.*

Mr. Hamid Mulla, *AGP for Respondent -State in WP/4535/2026.*

Mr. Bapusaheb Dahiphale, *AGP for Respondent -State in WP/4540/2026.*

Ms. V.R. Raje, *AGP for Respondent-State in WP/4541/2026.*

Ms. Savina Crasto, *AGP for Respondent- State in WP/4542/2026.*

CORAM: SANDEEP V. MARNE, J.

DATED: 17 JUNE 2026.

P.C.:

1) These six Petitions are filed challenging common order dated 5 March 2026 passed by the Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai (**Divisional Joint Registrar**), dismissing Revision Application Nos. 81/23, 82/23, 83/23, 84/23, 85/23

and 88/23. The effect of dismissal of the Revisions preferred by the Petitioners is that the Recovery Certificates issued by the Deputy Registrar, Co-operative Society, Thane (**Deputy Registrar**), on 6 November 2023 have been confirmed.

2) I have heard Mr. Dighe, the learned counsel appearing for the Petitioners, Mr. Rajesh Parab, the learned counsel appearing for Respondent No.3 and the learned AGPs in the respective Petitions for the Respondent -State.

3) This is a second round of litigation before this Court. It appears that Mr. Vinod Dhaya Bhagat (Petitioner in Writ Petition No.4532 of 2026) was desirous of seeking loan of Rs.1,20,00,000/- for his business purposes. Since the policy of the Credit Society did not permit loans in excess of Rs.20,00,000/-, it appears that Mr. Vinod Bhagat put forth his five relatives as borrowers and accordingly loans of Rs.20,00,000/- each were sanctioned and disbursed to Mr. Vinod Bhagat and his five relatives. Since there was default in repayment of loan, the Respondent-Credit Society filed Applications under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (the **MCS Act**) for recovery of loan amount alongwith interest. The Applications were however, rejected by order dated 19 July 2021 by citing vague reason by the Deputy Registrar that there was difference in the amounts of loan in different documents. The Revisions preferred by the Credit Society before the Divisional Joint Registrar were partly allowed by order dated 16 January 2023 and the recovery applications were remanded for fresh adjudication by the Deputy Registrar. In the remanded proceedings, the Deputy Registrar has issued recovery certificates against the Petitioners on 6 November 2023.

4) The Petitioners filed Revision Application Nos. 81/23, 82/23, 83/23, 84/23, 85/23 and 88/23 before the Divisional Joint Registrar, who set aside the recovery certificates holding *inter alia* that disputed questions of fact were involved, which could not be adjudicated in summary proceedings under Section 101 of the MCS Act. The Divisional Joint Registrar granted liberty to the Respondent-Credit Society to file disputes under Section 91 of the MCS Act.

5) In Writ Petitions filed by the Respondent-Credit Society before this Court, an order was passed on 3 December 2025 setting aside the order of the Divisional Joint Registrar and remanding the proceedings for fresh adjudication. The findings recorded by this Court in order dated 3 December 2025 are as under:

8. The legal position on when the Deputy Registrar may decline to act under Section 101 and direct the parties to a dispute under Section 91 now stands clarified. This Court in Pimpri Chinchwad Sahakari Bank Maryadit versus Arun Namdeo Pote decided on 21 November 2025 has examined this issue in detail. In paragraph numbers 36 to 48 of that judgment, the Court explained the scope of the Deputy Registrar's powers. It held that relegation to Section 91 is an exception. It is permitted only when the defence raised by the borrower goes to the root of the transaction and shows a genuine dispute requiring a full adjudication. The Court cautioned that Section 101 is a summary remedy intended to aid recovery of dues that stand admitted or are capable of ready verification from the records of the society. The authority must therefore examine whether the objections raised are substantial or raised only to delay repayment.

9. Applying these principles, I find that the defence of the borrowers and guarantors does not meet the standard laid down by this Court. The objections raised by them relate to routine issues of account maintenance or to entries described as suspicious without any supporting material. Such objections do not convert a straightforward loan recovery into a disputed matter within the meaning of Section 91. The Deputy Registrar had already verified the documents. He had recorded a clear finding that the loan was sanctioned and disbursed

and that the dues could be ascertained from the material on record. In these circumstances the Revisional Authority ought to have decided the revision on merits. It was not justified in bypassing its duty by invoking Section 91.

6) Thus, this Court did not agree with the findings of the Divisional Joint Registrar that the case involved disputed questions of fact and held that filing of dispute for recovery of loan amount is an exception. This Court further observed that the defence sought to be raised by the borrowers and guarantors did not meet the standards laid down by this Court in *Pimpri Chinchwad Sahakari Bank Maryadit and Anr. Vs. Arun Namdeo Pote and Ors.*¹. In the remanded proceedings the Divisional Joint Registrar has dismissed the revisions preferred by the Petitioners.

7) I have gone through the findings recorded by the Divisional Joint Registrar. After perusal of various documents relied upon by the Respondent-Credit Society, the Divisional Joint Registrar has recorded a finding of fact that sanction and disbursal of loan amount of Rs.20,00,000/- each to Vinod Bhagat and his five relatives has been proved. The learned counsel appearing for the Petitioner is unable to demonstrate an element of perversity in the said findings. He in fact, admits that loan amount of Rs.20,00,000/- was indeed disbursed in the accounts of each of the six borrowers. It appears that after the loan amounts of Rs.20,00,000/- were disbursed, the five relatives of Mr. Vinod Bhagat withdrew the disbursed amount of Rs.20,00,000/- in cash and the said amounts deposited in the account of Mr. Vinod Bhagat. It is the contention of Mr. Vinod Bhagat that Credit Society unauthorisedly sought to transfer the credited amount of Rs.1,20,00,000/- from Khanda Colony Branch to Vashi Branch without any valid authorisation of Mr.

¹ Writ Petition No.8728 of 2022, decided on 21 November 2025.

Vinod Bhagat. It is Mr. Vinod's case that during the process of such transfer, deficit amount got credited in Vashi Branch of his Bank and he received only an amount of Rs.1,00,00,000/-. In my view, this defence sought to be raised by Mr. Vinod Bhagat has absolutely no connection with Bank's right to recover disbursed amount of loans from the six borrowers. The moment it is admitted that loan amounts of Rs.1,20,00,000/- were indeed disbursed to Mr. Vinod Bhagat and his five relatives, Bank's entitlement to recover loan amounts automatically gets crystalised. If at all there is any deficiency on the part of the Credit Society in crediting lesser amount of Rs.1,00,00,000/- in the Vashi Branch account of Mr. Vinod Bhagat, it would be for Mr. Vinod Bhagat to adopt appropriate proceedings against the Credit Society. The said dispute cannot be subject matter of recovery proceedings, especially in the light of the fact that all the six borrowers did not dispute disbursement of loan amount of Rs.20,00,000/- to each of them.

8) The Divisional Joint Registrar has also recorded a finding that the entire deposited amount by borrowers is given due credit in the account statements. In my view, therefore, all requirements of a summary enquiry contemplated under Section 101 of the MCS Act is met to the hilt by the Respondent-Credit Society. There is no warrant for interference in the impugned order.

9) Writ Petitions are devoid of merits and they are accordingly **dismissed**. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]