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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4922 OF 2026
WITH
INTERIM APPLICATION (ST.) NO.9445 OF 2026

Universal Heights CHS Limited ... Petitioner
V/s.
The Deputy Registrar, Coop. Society,
'D' Ward, Mumbai & OOthers ... Respondents

Mr. Vishal Pattabiram with Mr. Ameya Mahajan for the
petitioner.

ATUL
GANESH
KULKARNI

Dr. Dhruvi Kapadia, AGP for respondent Nos.1 and 2-
State.

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Mr.Raghav Gupta with Ms. Treesa Benny i/by Wadia
Ghandy & Co., for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : APRIL 16, 2026

P.C.:

1. The present writ petition takes exception to and calls in question an order made by the Registrar while exercising powers stated to be under Section 154B-27 of the Maharashtra Cooperative Societies Act, 1960, and it is from said order that the controversy in hand has come to be raised before this Court for consideration.

2. The main complaint as canvassed on behalf of the petitioner society consists of two parts. Firstly, it is submitted that plain

reading of the application moved by respondent No.3 before the Registrar itself would show that respondent No.3 had approached the authority in the character and status of a developer, and had sought enforcement of rights claimed by him as developer. According to the petitioner, the provision in question gives authority to the Registrar only for securing compliance of rights and obligations which are flowing from the statute, Rules, or Bye-laws, and not for adjudicating or enforcing independent contractual or developmental claims. Secondly, challenge is also laid on ground of breach of natural justice, it being the case of the petitioner that no prior notice or opportunity of hearing was granted to the petitioner before passing of the impugned order and, therefore, the order is vitiated on account of denial of fair hearing.

3. On the other hand, learned Advocate appearing for respondent No.3 has opposed the petition and placed reliance upon the consent terms recorded before the City Civil Court at Mumbai. It is his submission that apart from such consent terms, the Bye-laws of the society themselves cast duty upon the society to issue no-objection certificate in favour of its member wherever circumstances so require. According to him, though the exact capacity may not have been expressly described in the application, the same is implicit from the nature of relief sought and surrounding circumstances, and therefore the Registrar has rightly exercised jurisdiction for enforcement of obligation arising from the Bye-laws and rightly granted the application.

4. Having heard the learned Advocates appearing for respective parties, and having carefully gone through the application preferred by respondent No.3 before the Registrar, this Court finds that the tenor and substance of the said application indicate that respondent No.3 had approached the Registrar substantially for enforcement of rights asserted by him in the nature of developer's rights. This Court in *Petit Mansion C-Wing Cooperative Housing Society Limited & Another vs. State of Maharashtra & Others*, Writ Petition No.17059 of 2025 decided on 16 January 2026, has already interpreted that the machinery under Section 154B-27 of the MCS Act is meant essentially for enforcement of subsisting rights and obligations which are specifically traceable to the Act, Rules, or Bye-laws. No doubt, the Bye-laws governing the housing society do create obligation upon the society to consider and grant no-objection where the legal requirements are fulfilled, and refusal thereof cannot be made in arbitrary fashion and must be supported by proper and reasonable grounds. However, at same time, the jurisdiction under said provision must be invoked in proper legal capacity and in accordance with the statutory framework.

5. However, without entering into deeper factual merits of rival claims and without expressing final opinion on broader disputes between parties, it is necessary to observe that respondent No.3 is admittedly not merely a developer but is also a member of the petitioner society. Insofar as he seeks enforcement of any obligation cast upon the society under its Bye-laws, such right can very well be agitated by him before the Registrar in his independent capacity as a member of the society, provided such

application is properly framed and founded on the relevant Bye-laws and statutory provisions.

6. In view of above discussion, following order is passed:

a) The impugned order dated 16 March 2026 passed by the Registrar in purported exercise of powers under Section 154B-27 of the Maharashtra Cooperative Societies Act stands quashed and set aside;

b) However, it is clarified that respondent No.3 shall be at liberty to institute fresh proceedings before the competent authority in his capacity as member of the society by specifically referring to the concerned Bye-laws and by pointing out the provisions of the Act and Rules under which the society is said to be under obligation to grant no-objection for transfer of rights.

7. Subject to aforesaid clarification and liberty, the writ petition stands disposed of. There shall be no order as to costs.

8. In consequence of disposal of the writ petition itself, all pending interim applications, if any, do not survive and the same stand disposed of accordingly as having become infructuous.

(AMIT BORKAR, J.)