

MPBalekar

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

WRIT PETITION NO. 5211 OF 2026

Shantisagar Co-operative
Housing Society Ltd. ... Petitioner
V/s.
The State of Maharashtra and Anr. ... Respondents

Mr. Suresh Sabrad a/w J. Sachdev, Amey Sawant and
A. Patel i/by J. Sachdev for the petitioner.

Mrs. M.S. Srivastava, AGP, for the State – Respondent
Nos. 1 & 2.

CORAM : AMIT BORKAR, J.

DATED : APRIL 21, 2026

P.C.:

1. Leave to amend to add the complainant as a party. Amendment to be carried out forthwith.
2. Issue notice to the complainant, returnable on **28 April 2026**.
3. In addition to the Court's notice, petitioner is permitted to serve the complainant by private notice.
4. Prima facie, it appears that the impugned order has been passed in purported exercise of powers under Section 79A of the Maharashtra Co-operative Societies Act, 1960. A plain reading of the said provision indicates that it does not confer adjudicatory jurisdiction upon the Registrar to determine or decide inter se rights and liabilities of the parties. However, the impugned order discloses that the Deputy Registrar has proceeded to examine the

grievances raised between the parties and has further recorded a finding regarding alleged non-compliance with the Government Resolution dated 4 July 2019. Such an exercise, prima facie, travels beyond the scope of authority vested under Section 79A and appears to be without jurisdiction.

5. Hence, until further orders, there shall be ad interim relief in terms of prayer clause (b).

(AMIT BORKAR, J.)