IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13934 OF 2026

Dattatray Mhaske and Anr. ...Petitioners

V/s.

The Divisional Joint Registrar, Co-operative Societies, Pune and Ors. ...Respondents

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Mr. S.S. Panchpor *with Ms. Mahima Sharma and Ms. Nikita Aown for the Petitioners.*

Mr. Omkar M. Sapre *for Respondent Nos.3 and 4/Complainant for the Society.*

Mr. P.G. Sawant, *AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 16 OCTOBER 2026.

P.C.:

1) The Petition challenges order dated 29 September 2026 passed by the Divisional Joint Registrar, Co-operative Society, Pune Division, Pune, (**Divisional Joint Registrar**) rejecting Revision Application No.332 of 2026 preferred by the Petitioners and confirming order dated 18 August 2026 passed by the Deputy Registrar, Co-operative Societies, Pune City (4), Pune, (**Deputy Registrar**) disqualifying the Petitioners under the provisions of Section 75(5) of the Maharashtra Co-operative Societies Act, 1960 (**MCS Act**) for a period of six months.

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2) I have heard Mr. Panchpor, the learned counsel appearing for the Petitioners, Mr. Sapre, the learned counsel appearing for Respondent Nos.3 and 4 and Mr. Sawant, the learned AGP appearing for the Respondent-State.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, it appears that the Petitioners were functioning as Chairman and Secretary of the Society. They were issued show cause notice dated 10 October 2025 alleging failure to submit audit rectification reports for the years 2021-22 and 2022-23 and 2023-24 before the General Body of the Society. It appears to be an admitted position that audit rectification reports for the years 2021-22 to 2024-25 were indeed not placed before the General Body.

4) Mr. Panchpor has relied on acknowledgment of the office of the Deputy Registrar in support of his contention that audit rectification reports were filed with the Deputy Registrar. However, all the acknowledgments were after September of each year indicating thereby that reports are prepared after holding of the Annual General Meeting. Even otherwise, there was no positive statement either in the reply to the show cause notice or in the revision preferred before the Divisional Joint Registrar that Petitioners indeed placed the audit rectification reports before the General Body.

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5) In view of the above admitted failure on the part of the Petitioners to place before the General Body, audit rectification reports, this Court is not inclined to interfere in the impugned order.

6) Mr. Panchpor submits that disqualification of an elected member under Section 75(5) of the MCS Act is not warranted and the drastic measure of disqualification is resorted to only in a case where there is no reasonable excuse. However, in the present case, Petitioners did not raise any reasonable excuse before the Deputy Registrar. Since reasonable excuse was not pleaded, there was no occasion arose for adjudication of such excuse.

7) Mr. Panchpor would further submit that scheme of Section 75(5) of the MCS Act contemplates serving of individual notices to the persons concerned, who are sought to be disqualified. In the present case, show cause notice was issued to Chairman and Secretary of the Society and both have participated in the proceedings before the Deputy Registrar. In my view, therefore, there was no necessity of serving fresh individual notices before making order for disqualification.

8) Present case thus involves admitted failure on the part of the Petitioners to place before the General Body relevant audit rectification reports. The Deputy Registrar disqualified the Petitioners only for a tenure of six months. No infirmity is traced in the orders passed by the Deputy Registrar and Divisional Joint Registrar.

9) Writ Petition is accordingly **rejected.**

[SANDEEP V. MARNE, J.]

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