2026:BHC-AS:26792

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7757 OF 2026

Shashikant M. Ramane and Ors. ***...Petitioners***

V/s.

Joint Registrar Co-operative Societies, ***...Respondents***
SRA/MHADA and Ors.

Mr. Aseem Naphade with Mr. Sanjeel Kadam, Ms. Sayalee Rajpurkar i/b M/s. Kadam & Co. for the Petitioner.

Mr. Tejas Deshmukh with Mr. Ronak M. Utagikar and Mr. Shubham Lolge for Respondent No.4.

Ms. S. D. Chipade, AGP for Respondent-State.

CORAM: SANDEEP V. MARNE, J.

RESERVED ON: 25 JUNE 2026

PRONOUNCED ON: 1 JULY 2026

JUDGMENT:

1) Petitioners are ex-members of co-operative housing society and are aggrieved by their disqualification ordered by the Deputy Registrar of Co-operative Societies, Mumbai City, Eastern Suburbs, Konkan Division, Mumbai **(Deputy Registrar)** on account of failure on their part to furnish to Respondent No.4 the demanded records of the society. Petitioners are disqualified not only as being members of the

committee but are also debarred from being appointed, nominated, elected or co-opted as the committee members for five years. Petitioners have accordingly challenged the order dated 6 May 2025 passed by the Deputy Registrar, who not only disqualified the Petitioners but also appointed Administrator on the society till conduct of fresh elections. In the Appeal, the Joint Registrar, Co-operative Societies, Slum Rehabilitation Authority, Mumbai **(Joint Registrar)** has passed order dated 24 June 2025 maintaining the disqualification of the Petitioners but setting aside the order of appointment of the Administrator. In Revision, the Hon'ble Minister (Co-operation) has passed order dated 21 April 2026 upholding the order of the Joint Registrar. Petitioners thus question correctness of concurrent findings recorded by three authorities about they incurring the disqualification.

2) Vaishali Nagar Mahalaxmi Co-operative Housing Society Limited is a co-operative housing society registered under the provisions of Maharashtra Co-operative Societies Act, 1960 **(MCS Act)**. The managing committee of the society was elected for the period 2022 to 2027. Petitioners and Respondent No.4 were elected as members of the managing committee. Petitioner Nos.1 to 3 were elected as Chairman, Secretary and Treasurer respectively of the society. In the previous Committee for the year 2017 to 2022, Respondent No.4 held the position as the Treasurer. He is re-elected as a member of the committee for the second term 2022 to 2027.

3) By letter dated 5 October 2023, Respondent No.4 demanded minutes of monthly managing committee meetings held during 1 April

2022 to March 2023 complaining that he had received intimation only in respect of three meetings of the managing committee. He appended cheque of Rs.200/- alongwith letter dated 5 October 2023 towards copying expenditure. By another letter dated 8 October 2023, Respondent No.4 demanded Compact Disk **(CD)** containing video recording of Annual General Meeting **(AGM)** held on 24 September 2023. Here again, he appended cheque of Rs.200/- alongwith the letter dated 8 October 2023. Since demanded documents were not supplied, Respondent No.4 made a complaint on the Government Portal on 2 November 2023. The Deputy Registrar directed the society to furnish the demanded documents vide letter dated 20 November 2023. Another letter dated 19 December 2023 was issued by the Deputy Registrar directing the society to furnish the documents. It is the case of the Petitioners that minutes of the managing committee meetings were furnished by the society to the office of the Deputy Registrar vide letter dated 18 January 2024. In the meantime, the Deputy Registrar issued directions to the society under Section 154B-27(1) on 6 February 2024 directing the society to furnish the demanded documents to Respondent No.4. By letter dated 4 March 2024, the society furnished pendrive containing the video recording of the AGM to the office of the Deputy Registrar with request to forward the same to Respondent No.4. The Deputy Registrar issued show cause notice dated 15 March 2024 to the society under Section 154B-27(2) of the MCS Act. The Deputy Registrar thereafter proceeded to pass order dated 6 May 2025 disqualifying the Petitioners as members of the committee and debarring them for a period of 5 years from being appointed, nominated, elected or co-opted as a member of the committee. The Deputy Registrar also recorded a

finding that on account of disqualification, the Committee has created a vacuum and thereby appointed an Administrator on the society. Petitioners filed Appeal under Section 152 of the MCS Act before the Joint Registrar, who partly allowed the Appeal to the limited extent of appointment of the Administrator. However, the Joint Registrar maintained disqualification of the Petitioners while setting aside the direction for appointment of Administrator by order dated 24 June 2025. The Revision preferred by the Petitioners before the Hon'ble Minister (Co-operation) has been dismissed vide order dated 21 April 2026. Petitioners have accordingly filed the present Petition. By order dated 5 May 2026, this Court has granted ad-interim relief staying the Deputy Registrar's disqualification order dated 6 May 2025.

4) Mr. Naphade, the learned counsel appearing for the Petitioners submits that the Deputy Registrar has grossly erred in taking a very harsh action of disqualification against the Petitioners. That Respondent No.4 is himself a member of the managing committee and is already privy to all the records of the case. That he had deliberately demanded the documents with an intention of somehow ensuring disqualification of the Petitioners. That as a managing committee member, he could always inspect the records of the society. Without prejudice, Mr. Naphade submits that all the demanded documents were already supplied to Respondent No.4 on 15 October 2024. Additionally, the same were also given to the office of the Deputy Registrar on 13 March 2024. In support, he relies on society's letter dated 26 December 2023 written to the Deputy Registrar recording that the documents were

attempted to be given to Respondent No.4, who refused to accept the same.

5) Mr. Naphade further submits that the extreme action of disqualification under the provisions of Section 154B-23(1)(iii) is not warranted in every case where there is failure on the part of the society to furnish the documents. That when there is substantial compliance with the requisition, the Deputy Registrar need not exercise the power of disqualification. He submits that the power of disqualification is discretionary in nature and need not be exercised in every case. In support, he relies on judgment of this Court in ***Kailash Maheshwari and Ors. vs. State of Maharashtra and Ors.***[1] He further submits that since disqualification casts a stigma, all the conditions specified under Section 154B-8 must be scrupulously complied. That there is nothing on record to indicate that Respondent No.4 paid the copying fees or that there was failure to supply documents within a period of 45 days of receipt of copying fees. The alleged cheque accompanying the letter dated 5 October 2023 was neither received by the society nor there was an occasion to encash the same. That mere handing over of cheque is not sufficient compliance and it must be proved that the society received the copying fees and thereafter refused to supply the documents. In support, he relies on judgment of this Court in ***Smt. Nair Pushpa Sureshkumar and Ors. vs. State of Maharashtra and Ors.***[2] He prays for setting aside the impugned orders.

1 2025 SCC Online Bom 3395.
2 Writ Petition No.14087 of 2023 decided on 12 December 2025.

6) Mr. Deshmukh, the learned counsel appearing for Respondent No.4 opposes the Petition. He submits that the three authorities have concurrently arrived at the conclusion. That there is deliberate failure on the part of Petitioners to supply the demanded documents to Respondent No.4. That the case does not involve some delay in furnishing the documents. That the Deputy Registrar twice directed the Petitioners to furnish the demanded documents. That Petitioners were deliberately avoiding to furnish the documents with a view to suppress decisions shown to have been taken in the management committee meetings held behind the back of Respondent No.4 That mere capacity of Respondent No.4 as management committee member does not denude him of right as a member to demand documents. That the objective behind the provisions of Section 154B-8 must be appreciated. In support, he relies upon judgment of this Court in ***Shahid Tamboli and Ors. vs. Divisional Joint Registrar***[3]. He takes me through the contents of Affidavit-in-Reply to demonstrate as to how the Petitioners were deliberately attempting to avoid supplying the demanded documents. He prays for dismissal of the petition.

7) Rival contentions urged on behalf of the parties now fall for my consideration.

8) Petitioners are the elected members of the managing committee of the society. By the impugned orders, they have been disqualified by the Deputy Registrar from being members of the committee and are also declared ineligible for being re-elected, re-co-

3 2023 SCC Online Bom 1479

opted, or renominated as members for a period of five years. The disqualification is incurred on account of alleged violation of provisions of Section 154B-8(2) of the MCS Act. It would therefore be necessary to first consider the provisions of Section 154B-8 dealing with the right of the members to inspect the documents, which provides thus:

> **154B-8. Rights of Members to inspect the documents.—**
>
> (1) Every Member of a society shall be entitled to inspect, free of cost, at the society's office during office hours, or any time fixed for the purpose by the society, a copy of the Act, the rule and the bye-laws, the last audited annual balance sheet, the profit and loss account, a list of the members of the Committee, a register of members, the minutes of general meetings, minutes of Committee meetings and those portions of the books and records in which his transactions with the society have been recorded.
>
> (2) A society shall furnish to a Member, on request in writing and on payment of such fees at such rate as may be decided by the Registrar, from time to time, the copies of any documents mentioned in the foregoing sub-section within forty-five days from the date of payment of such fees and when the Society is assisted by the Government in the form of share capital, loan and land, the said Society shall furnish such information within thirty days from the date so requested by a member.

9) Thus, under Section 154B-8(1), every member of the society is entitled to inspect free of cost the documents enumerated therein. Under sub-section (2) of Section 154B-8, a duty is caste on the society to furnish to the member copies of documents enumerated under sub-section (1) within 45 days of receipt of fees and upon receipt of request in writing.

10) Section 154B-23 deals with disqualification of committee and its members. In clause (iii) of sub-section (1) of Section 154B-23, if a member of the Committee is held responsible under Section 154B-(2),

he incurs disqualification for being nominated, appointed, elected or co-opted as member of the Committee. Section 154B-23 of the MCS Act provides thus:

> **154B-23. Disqualification of Committee and its Members.—**
>
> (1) Without prejudice to the other provisions of this Act or the rules made thereunder, in relation to the disqualification of being a Member of the Committee, no person shall be eligible to be appointed, nominated, elected, co-opted for being a Member of Committee,—
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> (i) if he is a defaulter of any society, or
>
> (ii) if he carries on business of letting, subletting and selling of flats in the housing society of which he is a Member, or
>
> (iii) if he has been held responsible under section 79, 88, 154B-8(2) or 154B-27 or for payment of cost of enquiry under section 85, or
>
> (iv) if he has incurred any disqualification under this Act or the rules made thereunder, or
>
> (v) if he incurs any of the disqualification similar to that mentioned in the provisions of clause (vii), (viii) or (ix) of clause (f) of sub-section (1) of section 73CA.
>
> (2) A Member, who has incurred any disqualification under sub-section (1), shall cease to be a Member of Committee and his seat shall thereupon be deemed to be vacant.
>
> (3) A Member of a Committee who has ceased to be a Member thereof, on account of having incurred disqualification under clause (ii), (iii), (iv) or (v) of sub-section (1), shall not be eligible to be re-elected, re-co-opted or re-nominated as a Member of Committee for five years from the date on which he or she has so ceased to be a Member of the Committee.
>
> (4) A Member of a Committee who has ceased to be a Member thereof, on account of having incurred disqualification other than disqualifications, referred to in sub-section (3), shall, unless otherwise specifically provided in this Act, be eligible to be re-elected, re-co-opted or re-nominated as a Member of Committee as soon as such disqualification ceases to exist.

11) Upon incurring disqualification under sub-section (1) of Section 154B-23, the member ceases to be a member of the Committee and the seat occupied by him/her becomes vacant. Similarly, the member incurring disqualification becomes ineligible for being re-

elected, re-co-opted or renominated as a member of the Committee for a period of five years.

12) In the present case, the Deputy Registrar has passed order dated 6 May 2025 holding that the Petitioners have incurred disqualification under Section 154B-23(1)(iii) of the MCS Act. As observed above, under Section 154B-8(2), it is the duty of the society to furnish to the member the demanded documents (*which are enumerated in sub-section (1)*) within 45 days of date of payment of fees. There is dispute between the parties in respect of allegation of violation of provisions of Section 154B-8(2) by the Petitioners. I accordingly proceed to examine the manner in which Respondent No.4 demanded the documents and whether Petitioners complied with the requisition within the stipulated time limit.

13) Respondent No.4 submitted letter dated 5 October 2023 to the society complaining that while 13 monthly meetings of managing committee were shown to have been held during 1 April 2022 to March 2023, he was given intimation in respect of only 3 meetings via WhatsApp messages. He therefore demanded attendance and minutes of all the 13 monthly meetings of the committee. Along with his letter, Respondent 4 appended copy of cheque of Rs.200 dated 5 October 2023 towards fees. By another letter 8 October 2023, Respondent No.4 demanded video recording in respect of the AGM held on 24 September 2023 by way of a CD. Again, with the letter dated 8 October 2023, Respondent No.4 appended cheque of Rs. 200/- dated 8 October 2023 towards fees. Petitioners have not enclosed the copies of letters dated 5

October 2023 and 8 October 2023 alongwith the Petition. However, the same are brought on record by Respondent No.4 along with his Affidavit-in-Reply. Before the Deputy Registrar, Petitioners did not dispute receipt of letters dated 5th and 8th October 2023. Also not disputed is the receipt of the two cheques. Since the fees in respect of the documents was offered by the Respondent No. 4 along with his applications, it was for the society to encash the cheques. It appears that the society did not deposit the cheques and the same remained un-encashed. I am not inclined the accept the contention of Mr. Naphade that the fees can be considered as paid only after the moneys are actually received by the society. the case does not involve bouncing of the cheques. If the society chose not to deposit and encash the cheques, it cannot be contended that the Respondent No. 4 did not pay the copying charges.

14) Thus, the 45 days period stipulated in Section 154B-8(2) commenced on 5th and 8th October 2023. However, Petitioners failed to furnish to the Respondent No. 4 the requisitioned documents within 45 days. Respondent No.4 also did not receive any response to the requests made by him on 5th and 8th October 2023. Therefore, he made a complaint on '*Sarkar Sanvad*' portal of Government of Maharashtra. The Deputy Registrar took cognizance of the said complaint and issued letter dated 20 November 2023 directing its Chairman/Secretary to make available to Respondent No.4 the demanded documents after levying the requisite fees. The society responded to the Deputy Registrar vide reply dated 26 December 2023 levelling various allegations against Respondent No. 4. Towards the end of the said reply, the society showed willingness to furnish copies of demanded documents to the office of Deputy Registrar

in an expeditious manner and requested the Deputy Registrar to forward the same to Respondent No. 4.

15) In the meantime, Respondent No.4 complained to the Deputy Registrar by filing one more complaint on the portal on 14 December 2023 in addition to submitting a letter of same date to the Deputy Registrar. The Deputy Registrar once again took cognizance of complaint of Respondent No.4 and issued letter dated 19 December 2023 to the Chairman/Secretary directing that copies of the documents be furnished to Respondent No.4 immediately. Thus, by the time the society sent its response vide letter dated 26 December 2012, the Deputy Registrar was required to send one more letter dated 19 December 2023 to the society. By both the letters dated 20 November 2023 and 19 December 2023, the Deputy Registrar specifically intimated to the society that if documents were not supplied, appropriate action would be initiated against the society. Petitioners have again not produced copies of letter dated 20 November 2023 and 19 December 2023 issued by the Deputy Registrar and its response dated 26 December 2023 alongwith the Petition and the same have been brought on record by Respondent No.4.

16) In para-10 of the Petition, Petitioners have vaguely pleaded as under:

> 10. The Petitioner submits that the Respondent No. 3, Society by taking cognizance of the letter dated 20/11/2023 and 19/12/2023 immediately approached to the Respondent No.4, for furnishing the required documents as per his complaints. However, the Respondent No.4 straightaway refused to accept the documents offered by the Respondent No.3, Society., Hence the Respondent No.3 Society submitted all documents with the office of the

Respondent No.2, Dy. Registrar and further requested to provide the same to the Respondent No. 4, Sandesh Waigankar.

17) However, there is no documentary evidence of Petitioners approaching Respondent No.4 for furnishing the demanded documents or that Respondent No.4 refusing to accept the same. Instead, what is produced alongwith the Petition is only letter dated 4 March 2024 issued by the society to the Deputy Registrar (*bearing acknowledgement of 13 March 2024*). Letter dated 4 March 2024 refers to the letter of the society dated 18 January 2024 (not produced) by which copies of minutes of monthly Management Committee meetings were apparently furnished to the office of the Deputy Registrar. By letter dated 4 March 2023, the society requested the Deputy Registrar to handover the same to Respondent No.4. Also, the pendrive containing the video recording of AGM dated 24 September 2024 was furnished to the Deputy Registrar with request to supply the same to Respondent No.4. The letter dated 4 March 2024 reads thus:

प्रति,
मा. उपनिबंधक,
उपनिबंधक सहकारी संस्था म्हाडा,
सहकारी संस्था, मुंबई शहर, पूर्व उपनगरे व कोंकण मंडळ कार्यक्षेत्र,
कोंकण गृहनिर्माण व क्षेत्रविवकास मंडळ, म्हाडा
मुंबई ५१.

विषयः- मासिक सभेचे इतिवृत्त व दिनांक २४. ०९. २०२३ रोजी झालेल्या वार्षिक सर्वसाधारण सभेची CD (पेन ड्राईव्ह) सादर करण्याबाबत.

संदर्भ : १) आपले कार्यालयाचे जा.क्र. उपनि/सस/मुशपुऊकोम/क.१५४बी -२७/३६०/२०२२ दिनांक ०६.०२.२०२४ रोजी चे पत्र. (संस्थेस पत्र प्राप्त झाले दिनांक २३.०२.२०२४ रोजी)

मोहदय,

वरील संदर्भीय पत्राचे/निर्देशच्या अनुशंगाने आपणास कळविण्यात येते की उपरोक्त संस्थेचे दिनांक १८.०१. २०२४ रोजीचे पात्रनवये (प्रत जोडली आहे) आपणास सदरची मासिक सभेचे इतिवृत्त देण्यात आली होती. आपणास पूणश विनंती करण्यात येते की सदरची मासिक सभेचे इतिवृत्त आपल्या कार्यालयामार्फत श्री. संदेश वायंगणकर यांना देण्यात यावीत. हि नम्र विनंती.

या पत्राद्वारे उपरोक्त संस्थेची दिनांक २४.०९.२०२४ रोजी झालेल्या वार्षिक सर्वसाधारण सभेची CD (पेन ड्राईव्ह - ६४ GB SanDisk) सादर करत आहोत, आपणास विनंती करण्यात येले की सदरची वार्षिक सर्वसाधारण सभेची पेन ड्राईव्ह ६४ GB SanDisk आपल्या कार्यालयामार्फत श्री. संदेश वायंगणकर यांना देण्यात यावी.

आपले स्नेहांकित,
वैशाली नगर महालक्षमी सहकारी गृहनिर्माण संस्था मर्यादित

18) Thus, as per the case of the Petitioners themselves, the minutes of the monthly management committee meetings were furnished to the office of the Deputy Registrar on 18 January 2024 and video recording of the AGM was furnished to the office of the Deputy Registrar on 13 March 2024. Both the sets of documents were not furnished to Respondent No.4 and the Deputy Registrar was requested to supply the same to Respondent No.4. by letter dated 4 March 2024.

19) Mr. Naphade has strenuously contended that Petitioners had attempted to supply the demanded documents to Respondent No.4 who had refused to acknowledge the same. He has placed reliance on society's letter dated 26 December 2023, which was sent by the society in response to letter dated 20 November 2023. Para-5 of the letter reads thus:

५. श्री. संदेश दत्तात्रय वायंगणकर नवनियुक्त समिती सदस्य असून सुध्दा नवनियुक्त समितीला विविध पत्र दिलेले होते. त्या पत्रांचे उत्तर संस्थेच्या समितीने आवश्यक त्या कागदपात्रंसह त्यांना देण्यासाठी तयार केले. श्री. संदेश दत्तात्रय वायंगणकर यांना सदरचे पत्र घेण्यासाठी वेळोवेळी विनंती केली परंतु त्यांनी आज़पर्यंत ते पत्रे घेतलेले नाहीत.

20) I am unable to read para-5 of letter dated 26 December 2023 to mean an attempt by the society to supply copies of the demanded documents. Letter dated 26 December 2023 states that Respondent No.4 had issued various letters to the managing committee and a reply prepared by the society alongwith necessary documents. The refusal noted in para-5 of the letter dated 26 December 2023 is in respect of 'सदरचे पत्र' (*said letter)*. Thus, the contents of para-5 are not only vague but also do not indicate in any manner that the society attempted to supply minutes of management committee meetings or a CD/pendrive to Respondent No.4 in any manner. On the other hand, para-9 of the letter dated 26 December 2023 reads thus:

> ९. आपले संदर्भिय पत्राचा आम्ही समिती सदस्य आदर करीत असून श्री संदेश दत्तात्रय वायंगणकर यांनी संस्थेच्या समितीकडे मागणी केलेल्या कागद पत्रांच्या प्रती आपल्या कार्यालयाकडे लवकरातलवकार सादर करू. आमची आपणास विनंती आहे कि आपण सदरचे कागदपत्रे आपल्या कार्यालयामार्फत श्री. संदेश दंत्तात्रय वायंगणकर यांना योग्य ती समाज देउन देण्यात यावीत, हि नम्र विनंती.

21) Para-9 thus refers to 'मागणी केलेल्या कागद पत्रांच्या प्रती' *(copies of demanded documents)*. The marked difference in paras-5 and 9 clearly indicates that what was attempted to be served upon Respondent No.4 was some other response whereas willingness shown in para-9 of letter dated 26 December 2023 was in respect of the demanded documents. The society showed willingness to demand the documents 'as early as possible', i.e., 'लवकरात लवकर सादर करू'. As observed above, the said documents were deposited by the Petitioners in the office of Deputy Registrar on 18 January 2024 and 13 March 2024 i.e., after substantial delay of expressing willingness in letter dated 26 December 2023. If there was any bonafide intention on the part of the Petitioners, they ought to

have furnished the demanded documents to Respondent No. 4 immediately after receipt of Deputy Registrar's letter dated 20 November 2023.

22) So far as Respondent No. 4 is concerned, the documents are actually received by him after substantial delay. This is clear from following averments in the Affdavit-in-Reply:

> 15. While the proceedings under section 154B-27 (2) was going on, on 21.06.2024, the Respondent No.2, has handed over to me, the CD (Pen Drive) of the Annual General meeting of the Respondent No.3 society, held on the 24.09.2023, supplied to his office by the Respondent No. 3 society. Hereto annexed and marked as EXHIBIT R-7 is the copy of the Roznama, dated the 21st June 2024 of the proceedings before the Respondent No. 2.
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> 16. On 07.10.2024 when the matter was being heard by the Respondent No. 2, the Respondent No. 3 Society agreed to supply me the copies of the monthly meetings of the Management Committee of the Respondent No. 3 society, held between 01.04.2022 to 31.03.2023. Hereto annexed and marked as EXHIBIT R-8 is the copy of the Roznama, dated the 7th October 2024 of the proceedings before the Respondent No. 2. Accordingly, on 15.10.2024, the Chairman of the Respondent No. 3 society supplied to me, at my residence, the minutes of the monthly meetings of the Management Committee of the respondent No. 3 society, held between 01.04.2022 to 31.03.2023. Hereto annexed and marked as EXHIBIT R-9 is the copy of the letter of the Chairman of the Respondent No.3 society, dated the 14th October 2024, which was received by me on 15th October 2024.
>
> 17. **This shows that I have received the CD (pen Drive) of the Annual General Meeting of the Respondent No. 3 society, held on 24/09/2023, after 263 days and I have received the minutes of the monthly meetings of the Respondent No. 3 society, after 377 days, from the date I have applied for the same, which Respondent No. 3 Society was expected / required to supply me within 45 days from the date of my application.**
>
> *(emphasis added)*

23) There is thus admitted failure on the part of the Petitioners to comply with the provisions of Section 154B-8(2) of the MCS Act within the stipulated time limit. Respondent No.4 had appended cheques of Rs.200/- with both requisitions submitted on 5th and 8th October 2023. Therefore, it was incumbent upon Petitioners to supply demanded documents within a period of 45 days from 5th and 8th October 2023. The Petitioners, however, deliberately avoided to supply the demanded documents and whiled away time. They made the Deputy Registrar write two letters dated 20 November 2023 and 19 December 2023. The refusal to supply demanded documents made the Deputy Registrar issue directions under Section 154B-27(1) on 6 February 2024 and pass an order under Section 154B-27(2) on 15 March 2024. It is only after the Deputy Registrar wrote four times to the society that finally disqualification proceedings were initiated against the Petitioners. This Court has repeatedly highlighted the importance of making available the records of the society to the members. In ***Shahid Tamboli*** (supra), this Court has underscored the importance of provisions of S.154(B-8)(ii). It has held in paras-27, 28 and 31 as under:

> 27. The legislative object discernible in obligating the society to furnish the copies of the documents, as noted above, cannot be lost sight of. The legislature has in addition to employing the word "shall" prescribed the consequence of disqualification for non-compliance of the mandate contained in Section 154B-8(2) of the Act. The prescription of the penalty of disqualification to continue to be a member of the committee after a person has been held responsible for the default and also ineligible for being elected, co-opted or nominated as a member of the committee for five years, underscores the anxiety of the legislature in ensuring the enforcement of the duty cast on the society. There is nothing in the context or intention to draw an inference contrary to the imperative nature of the prescription, especially as regards the obligation to furnish copies of the documents.

> 28. The aspect of imperativeness of the time limit cannot be determined de hors the context. In a deserving case, where the disqualification is ordered for failure to observe the time limit of 45 days strictly, the mandatory character of the time limit may be justifiably delved into. Moreover, the fact that immediately after the expiry of the period stipulated for the supply of documents under Section 154B-8(2), disqualification is not automatic, cannot be lost sight of. The disqualification is incurred only when the Registrar fastens liability on the member of the committee for default in supply of the copies under Section 154B-8(2) of the Act, 1960. Inevitably, the inquiry is warranted and required to be held (as in the instant case). That provides an opportunity to the defaulting society and Committee members to demonstrate that the default was neither intentional nor there was lack of bona fide. Undoubtedly, the expression "without any reasonable or justifiable cause" does not find place either in Sections 154B-8 or 154B-23. Yet, while fastening the responsibility for the default so as to entail the consequence of disqualification, that aspect ought to enter determination by the Registrar.
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> 31. Even where a provision is couched in a mandatory form if it could be shown that a party has done all that, which was within its powers, non-compliance may not result in an irretrievable hardship as the party has, in essence, ensured substantial compliance. In such an eventuality, where the court is satisfied that a party has made a substantial compliance in furtherance of the legislative object, the Court may relieve a party of the hardship which a minor or technical infraction would otherwise entail.

24) Though a substantial compliance with the provisions of Section 154B-8(2) can avoid disqualification, again in the present case, I am unable to record a finding that there is even substantial compliance with the provisions of Section 154B-8(2) on the part of the Petitioners. The case does not involve insignificant delay in supply of the demanded documents. On the other hand, the case involves deliberate refusal to furnish the demanded documents. The Petitioners have made the Deputy Registrar to repeatedly intervene and issue letters to the society. The society could have simply handed over copies of the demanded documents to Respondent No.4 rather than supplying the same belatedly to the office of the Deputy Registrar on 18 January 2024 and 13 March 2024. There is no evidence on record to indicate that the documents

were earlier sought to be furnished to Respondent No.4 or that he refused to accept the same. This Court has held in ***Mahesh Madhukar Bhartiya vs. Divisional Joint Registrar, Co-operative Societies, Mumbai and Ors.***[4] that CD containing video recording of AGM/SGM is not one of the enumerated documents under Section 154B-8(1) and therefore non-supply of the same cannot incur disqualification under Section 154B-23(1)(iii). However, in the present case, in addition to video recording, Respondent No.4 had also demanded minutes of 13 Management Committee meetings. Non-supply of those minutes definitely amounts to failure within the meaning of Section 154B-8(2) of the Act. In my view therefore, declaration of incurring of disqualification of the Petitioners made by the Deputy Registrar as confirmed by the Joint Registrar and the Hon'ble Minister appears to be in order.

25) Ordinarily, this Court would have been loath in confirming the disqualification order in respect of a cooperative housing society, if the case was to involve some delay in furnishing the demanded documents. The objective behind Section 154B-8 is to ensure that the affairs of the society are conducted in transparent manner. Merely because the society involved is a cooperative housing society, the same does not mean that the same can governed without any regard to the statutory provisions. It is unfortunate that the Petitioners had reservation about sharing minutes of managing committee to their own committee member. Respondent No. 4 had demanded minutes of the managing committee meetings complaining that he had not received any notice in respect of most of the meetings. It appears that some vital

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decisions have been taken in the meetings by the managing committee, which is clear from the following averments in the Reply:

> (A) I have received Notices for monthly meetings of the Management Committee of the Respondent No.3 society through WhatsApp. In none of the Notice the agenda of the meeting is mentioned, in violation of Bye-law No. 132 of the bye-laws of the society. Every notice simply says,"All important subjects will be discussed". Hereto annexed and marked as **EXHIBIT R 14- COLLY** are the Screen Shots of Notices for monthly meetings of the Management Committee of the Respondent No. 3 society through Whats App.
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> (B) The present Management Committee, in its first monthly meeting held on 8th September 2022 has enhanced the limit for cash on hand, which the secretary may retain in his personal custody, at the close of the day, for petty expenses, from Rs.5000/- to 10000/-, in violation of Bye-law No. 144 of the bye-laws of the society. Hereto annexed and marked as EXHIBIT R-15 is the copy of the minutes of the meeting of the Management Committee, dated the 08/09/2022. The Present Management Committee never got the same approved in the Annual General Meeting, may be for concealing the same from the members of the Respondent No. 3 society. Even I became aware of the same only after I received the Minutes of the meetings of the Management Committee on 15th October 2024. In the Audit Reports for the years 2022-2023, 2023-2024 and 2024-2025, the Auditor has pointed out this violation and advised the Management Committee of the Respondent No. 3 society to bring down limit of cash in hand within the statutory limit. However, the Management Committee has not paid any heed to the Reports of the Auditor. Hereto annexed and marked as **EXHIBIT R-16-COLLY** are the copies of 3 Letters of Auditor of the Respondent No 3 society together with the violations of the provisions of the Act, Rules and Bye-Laws of the Respondent No.3 society, pointed by him in Audit Reports for the years 2022-2023, 2023-2024 and 2024-2025.

Considering the above position, it is difficult to conclude that Respondent No. 4 had demanded documents only for creating a ground for disqualification of the Petitioners.

26) Reliance by Mr. Naphade on judgment of this Court in ***Kailash Maheshwari*** (supra) appears to be misplaced. The judgment is delivered in the context of provisions of Section 75 of the MCS Act in which discretion is conferred on the Registrar while ordering

disqualification. The judgment therefore does not have application to the facts of the present case which involves disqualification under Section 154B-23 of the Act. However, if it is assumed that some degree of discretion in vested in the Deputy Registrar while deciding the issue of disqualification, such discretion could not have been exercised in favour of the Petitioners, considering their conduct.

27) Petitioners have shown total disregard to the provisions of MCS Act. All that they are deprived is right to be office bearer of the society. They can enjoy all other rights *qua* their flats in their capacity as members.

28) Considering the overall conspectus of the case, I do not find any valid reason to interfere in concurrent findings recorded by three authorities in the impugned orders. Writ Petition is devoid of merits. It is accordingly **dismissed** with no order as to costs.

NEETA SHAILESH SAWANT
Digitally signed by NEETA SHAILESH SAWANT
Date: 2026.07.01 16:14:18 +0530

[SANDEEP V. MARNE, J.]