

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 9767/2026
@ SLP (C) No. 25293/2026

VIVEK MEHETRE & ORS.

Appellant(s)

VERSUS

THE DY. REGISTRAR, COOPERATIVE SOCIETIES & ORS. Respondent(s)

O R D E R

1. Having regard to the nature of the order that we propose to pass as also that the second and third respondents, who are the main contesting respondents, are already represented, and have consented for final disposal of this matter at the notice stage itself, we do not propose to issue notice to respondents 1 and 4 as it would serve no useful purpose.

2. Leave granted.

3. This appeal emanates from a proceeding initiated by the Deputy Registrar, Cooperative Societies, Thane (City) under Sections 75 of the Maharashtra

Co-operative Societies Act, 1960 (for short "the 1960 Act").

4. The Deputy Registrar initiated proceedings under Section 75(5) of the 1960 Act on account of default on the part of the management of the Society in complying with the various requirements of Section 75 of the 1960 Act.

5. According to the Deputy Registrar, notices were issued to the management and, thereafter, the management was heard and opportunity was given to produce documents. In those proceedings, upon finding that the Society had not submitted the account audit reports and had not furnished information regarding elections, the Deputy Registrar, exercising its powers under Section 75(5) of the 1960 Act, disqualified as many as seven office bearers of the Society.

6. Aggrieved by the order of the Deputy Registrar, instead of taking recourse to the alternative remedy of revision under Section 154 of the 1960 Act, the appellants

preferred a Writ Petition before the High Court. By the impugned order, the High Court dismissed the Writ Petition.

7. Aggrieved by the impugned order dated 08.07.2026, this appeal has been filed.

8. The submission on behalf of the appellants *inter alia* is that the provisions of Section 75 of the 1960 Act require service of notice before an action contemplated thereunder could be taken. There was no service of notice and, therefore, the proceedings stood vitiated. It is also the submission on behalf of the appellants that under sub-section (5) of Section 75 of the 1960 Act, action can be taken against an officer or member of the committee who without any reasonable excuse fails to comply with the mandate of any of the sub-sections of Section 75. It is submitted that there is no inquiry by the Deputy Registrar to pin-point as to who was in default in complying with the requirements of the provisions of Section

75. In such circumstances, treating all members of the committee liable is clearly in violation of the spirit of sub-section (5) of Section 75 of the 1960 Act.

9. In addition, the learned counsel for the appellants sought to bring to our notice additional documents to substantiate that there has been no default in complying with the mandate of the provisions of Section 75.

10. In response, on behalf of the contesting respondents it was submitted that a clear finding has been returned by the Deputy Registrar that the show cause notice was served on the members of the committee of the Society. Moreover, they had participated in the hearing on various dates mentioned in the order. Therefore, once the appellants had participated in the proceedings before the Deputy Registrar and they had ample opportunity to submit their response as well as documents, having failed to submit documents to show statutory compliances, they cannot complain that no

opportunity of hearing was provided to them. It has also been submitted that the High Court has been categorical on the above aspect and has returned a clear finding that despite opportunity, the appellants have not submitted documents in support of their stand; therefore, the finding returned by the Deputy Registrar that there was non-compliance of the provisions of Section 75 of the 1960 Act cannot be faulted. It has also been pointed out on behalf of the respondents that despite an opportunity to the appellants to withdraw the writ petition and pursue the alternative remedy under the Act, they pressed the writ petition. However, they did not produce any documents to successfully question the findings returned by the Deputy Registrar; therefore, they cannot now be permitted to submit additional documents in support of their case.

11. We have considered the rival contentions and have perused the materials

available on record.

12. Before addressing the contentions raised before us, we may take notice of the provisions of sub-section (5) of Section 75 of the 1960 Act. Sub-section (5) of Section 75, under which action has been taken by the Deputy Registrar, reads thus:

"(5) If default is made, in calling a general body meeting within the period prescribed under sub-section (1), or in complying with sub-sections (2), (2A), (3), (4) the Registrar may by order declare any officer or member of the committee whose duty it was to call such a meeting or comply with sub-section (2), (2A), (3), (4) and who without any reasonable excuse failed to comply with any of the aforesaid sub-sections disqualified for being elected and for being any officer or member of the committee for such period not exceeding five years, as he may specify in such an order and, if the officer is a servant of the society, impose a penalty on him to pay an amount not exceeding five thousand rupees. Before making an order under this sub-section, the Registrar shall give, or cause to be given, a reasonable opportunity to the person concerned showing cause against the action proposed to be taken in regard to him."

(Emphasis supplied)

13. A bare reading of the aforesaid provision would indicate that action is to

be taken against the person who was responsible for non-compliance and who without any reasonable excuse had failed to comply with the mandate of any of the specified sub-sections of Section 75.

14. The order of the Deputy Registrar, though records a finding that there has been non-compliance of the requirements of specified sub-sections of Section 75, does not record any finding as to who was responsible for such compliances. The relevant portion of the order of the Deputy Registrar is extracted below:

“It is mentioned regarding this. In the present case, it appears that the members were deprived of transparency, scrutiny or democratic control. Similarly, it is seen that it happened repeatedly. Under Section 75, for each sub-clause under sub-,clause (1) holding the meeting, under sub-clause (2) placing the accounts, under sub-clause (2A) appointing the auditor, under sub-clause (3) submission of the report, under sub-clause (4) considering the surplus profit distribution, regarding this, from the perspective of public accountability and transparency, it is necessary to hold the office bearers of the society responsible as per the provisions of the

Maharashtra Co-operative Societies Act 1960 and the approved bylaws. Therefore, for the failure to perform the duties of the office bearers of the society for the years 2015- 2016, and for not complying with Section 75(2), 75(4) and Rule 98, 138, 139 and 140 of the approved bylaws, the following members Shri. Satish Pande - Chairman, Shri. Vivek Mehete - Secretary, Mrs. H. N. Lohar - Treasurer and other members are held responsible and it would be appropriate to disqualify them for a period of 02 years as per the provision under Section 75(5) of the Maharashtra Co-operative Societies Act 1960. The office has come to this conclusion."

15. We, therefore, find substance in the submissions made on behalf of the appellants that there has been no discussion in the order passed by the Deputy Registrar as regards who was responsible for non-compliance of the provisions of Section 75 of the 1960 Act.

16. Insofar as the submission regarding non-service of notice is concerned, we find that the Deputy Registrar had not only considered the response submitted by the appellants but has put on record that they were heard on multiple occasions. Once it is

borne out from the record that the appellants had the occasion to file a response and were heard and their response was considered, they cannot fall back on the question of service of notice. To this extent, the High Court was correct in its view that the appellants cannot complain about violation of the principles of natural justice.

17. At this stage, we may also observe that as per the recital in the order of the Deputy Registrar, notices were sent. In such circumstances, when the Deputy Registrar records in its order that notices were sent and, thereafter, responses were received and the noticees were heard, the ground that they were not afforded opportunity of hearing cannot be sustained.

18. We may also observe that the Deputy Registrar as well as the High Court has taken notice of the fact that no documents were produced on behalf of the appellants to substantiate compliance of the requirements

of various sub-sections of Section 75 of the 1960 Act. In such circumstances, an action under sub-section (5) of Section 75 of the 1960 Act was warranted.

19. However, what is important is that action under sub-section (5) of Section 75 of the 1960 Act is to be taken against the person who is responsible for the default. Here we notice that the action has been taken against all members of the committee and not against those who have been identified as responsible for non-compliance of the provisions. Therefore, to this extent, we deem it appropriate to give liberty to the appellants to file a revision before the revisional authority in terms of the provisions of Section 154 of the 1960 Act. If any such revision is preferred within one month from today, the same shall be accorded due consideration limited to the question of culpability/responsibility of the office bearers in the light of the observations herein above.

20. For the purposes of ascertaining as to who was responsible and on whom the axe must fall under sub-Section (5) of Section 75 of the 1960 Act, the parties shall be at liberty to place additional documents before the revisional authority.

21. We also make it clear that it shall be open for the appellants to seek such interim protection from the revisional authority as they may be advised to seek which shall be considered on its own merits.

22. With the aforesaid observations/directions, this appeal stands disposed of.

23. Pending application(s), if any, shall stand disposed of.

..... J
[MANOJ MISRA]

..... J
[VIJAY BISHNOI]

New Delhi;
July 28, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 9767/2026
@ SLP (C) No. 25293/2026

VIVEK MEHETRE & ORS.

Appellant(s)

VERSUS

THE DY. REGISTRAR, COOPERATIVE SOCIETIES & ORS.

Respondent(s)

IA No. 212707/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 212711/2026 - EXEMPTION FROM FILING O.T.

Date : 28-07-2026 This matter was called on for hearing today.

CORAM HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Appellant(s) Mr. Aniruddha Joshi, Sr. Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Sharian Mukherji, Adv.
Mr. Chirag Zanwar, Adv.
Ms. Shambhavi Kanade, Adv.

For Respondent(s) Mr. Vinay Navare, Sr. Adv.
Mr. Pravartak Suhas Pathak, AOR
Mr. Yashodhan Chandurkar, Adv.
Ms. Mansi Jain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. This appeal stands disposed of in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)