

*Sayali*

SAYALI
DEEPAK
UPASANI

Digitally signed by
SAYALI DEEPAK
UPASANI
Date: 2026.01.28
18:33:01 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17002 OF 2025

Aseem Bhatnagar ... Petitioner
V/s.
Ld. Deputy Registrar Co-operative
Society and Others ... Respondents

Mr. Yatin Malvankar, for Petitioner.

Mr. Arsh Mishra, for Respondent Nos. 3 to 18.

Ms. M. S. Shrivastava, AGP for State-Respondent Nos.
1 and 2.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 28, 2026

PC.:

1. Leave to amend.
2. The necessary amendment is to be carried out forthwith.
3. The advocate for the petitioner has raised an additional challenge to the order issued under Section 81(6) of the MCS Act, 1960 by Respondent No. 22. He argued that Respondent No. 22 used this power with malice in law and malice in fact. He pointed out that the contesting respondents had earlier filed complaints before the Deputy Registrar. He stated that the Deputy Registrar copied the allegations from those complaints and transmitted them without forming his own opinion. The Deputy



Registrar then recommended action under Section 81(6) by orders dated 31 July 2025 and 6 November 2025. Respondent No. 22 did not act on those recommendations at that time. Only after this Court granted ad-interim relief on 15 December 2025 did Respondent No. 22 pass an order. The advocate pointed out that this order did not reflect any independent satisfaction. The order stated that it was based on the Deputy Registrar's satisfaction. This is contrary to the circular dated 19 June 2023 which requires independent scrutiny. The advocate submitted that such conduct shows mala fide exercise of power by Respondent No. 22.

4. At this stage, I find merit in the submissions placed on behalf of the petitioner. On two earlier occasions, this Court issued notice to Respondent No. 22. The notice called for an explanation as to why action as contemplated by the judgment of the Supreme Court in *Union of India v. K. K. Dhawan (1993) 2 SCC 37* should not be taken against him. In one connected petition, Respondent No. 22 agreed to pay costs of Rs. 25000 to the petitioner in that matter. In another petition involving a similar notice, the proceedings are still pending. These facts indicate that there is a pattern which needs closer scrutiny. The role and conduct of Respondent No. 22 cannot be ignored at this stage.

5. In view of the above, issue notice to Respondent No. 22. The notice shall be returnable on 4 February 2026. Respondent



No. 22 shall explain why action as contemplated in the judgment in *Union of India v. K. K. Dhawan* should not be initiated against him.

6. Respondent No. 22 shall file his personal reply before the said date.

7. Until further orders, the order dated 01st January, 2026 shall remain stayed.

(AMIT BORKAR, J.)