



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12709 OF 2026

Shripad Pandurang Khisti,
Age; 56 years, Occ; Agriculture,
R/o; Vitthal Mandir, At Post
Ajnuj, Tq. Shrigonda,
District Ahilyanagar- 414 701.

...PETITIONER
(Original Applicant)

VERSUS

1. The District Co-Operative Election Officer,
and Divisional Joint Registrar,
Co-Operative Societies, Nashik Division,
Grihanirman Bhavan, Gadkari Chowk,
Nashik.
2. The District Co-Operative Election Officer,
and District Deputy Registrar,
Co-Operative Societies, Ahilyanagar.
3. The Taluka Co-Operative Election Officer,
and Assistant Registrar,
Co-Operative Societies, Shrigonda,
Dist. Ahilyanagar.
4. The Chief Executive Officer,
The Ahmednagar District Central,
Co-Operative Bank Ltd., Ahilyanagar.
5. The Secretary,
Ajnuj Vividh Karyakari Seva Sahakari
Society Ltd., Ajnuj (Reg. No. ANR/RSR/9044),
Tq. Shrigonda, District Ahilyanagar.
6. Sau. Manisha Suryakant More,
Age; 50 years, Occ; Agriculture,
R/o; At Morewadi, Post Ajnuj,
Tq. Shrigonda, District Ahilyanagar.

...RESPONDENTS.
(Orig. Respondents)

.....
 Advocate for the Petitioner : Mr. D.P. Palodkar
 Advocate for Respondent Nos. 1 to 3 : Mr. S.K. Kadam
 Advocate for Respondent No. 6 : Mr. R.R. Karpe

CORAM : MANJUSHA DESHPANDE, J.

DATE : 23.09.2026

ORDER : -

1. By way of this Writ Petition, the petitioner raises challenge to the order dated 10.09.2026, passed by respondent No. 1, the District Co-Operative Election Officer and the Divisional Joint Registrar, Co-Operative Societies, Nashik, Division Nashik.

2. The petitioner is an agriculturist and member of respondent No. 5 Ajnuj Vividh Karyakari Seva Sahakari Society Ltd., Ajnuj (Reg. No. ANR/RSR/9044), Tq. Shirgonda, District Ahilyanagar. Respondent No. 5 is a Primary Agricultural Credit Society and is a member of respondent No. 4, The Ahmednagar District Central, Co-Opeative Bank Ltd., Ahilyanagar. The elections of respondent No. 4 Bank have been declared and accordingly, the members of bank were directed to send the name of one delegate each, to represent the respective society in the election of respondent No. 4 Bank, by passing appropriate resolution. The name of respondent No. 6, who is the member of respondent No. 5 Society, has been forwarded, upon passing of an appropriate resolution on 12.07.2026. The inclusion of the name of respondent No. 6 in the voters list has been objected by the petitioner before respondent No.1. The

objection raised by the petitioner has been turned down by respondent No. 1, on 10.09.2026, which is impugned in the present Writ Petition.

3. Mr. Palodkar, learned Advocate for the petitioner submits that the petitioner has raised objection to the delegation of respondent No. 6, to vote in the election of respondent No. 4 – Bank, on two grounds. Firstly, on the ground that the election of Managing Committee of respondent No. 5, which was held on 20.05.2022, has been challenged by raising a Dispute No. 154 of 2022, before the Co-Operative Court, Ahilyanagar. Pursuant to the order passed by the appellate Court at Aurangabad, the votes were recounted and the report of the Court Commissioner shows that, there were material discrepancies in the election results. The proceedings of the said Dispute are at the final stage. Therefore, considering the pending dispute regarding the election of the Members of Managing Committee, the resolution passed by the Managing Committee which is subject matter of the Dispute is not valid.

4. The other ground raised by the petitioner is that, the husband of respondent No. 6, one Suryakant Vishnu More, is a director on the board of respondent No. 5, therefore, respondent No. 6 being wife and family member of director of respondent No. 5, could not be delegated the power to cast vote on behalf of respondent No. 5 - Society. More particularly, in view of the fact that respondent No. 5 itself is a defaulter of respondent No. 4 - Bank. The annual report for the year ending 31.03.2026 shows that 931 out of 1763 members are defaulters

and a short term loan of Rs. 17,92,19,396/- is payable by it to the Bank. Thus, in view of the fact that respondent No. 5 itself is a defaulting society, the wife of a director of defaulting society, is not eligible to be delegated to vote on behalf of respondent No. 5 - Society. He has drawn attention of this Court to Clause - 2 of the Public Notice with reference to Section 27(10) and Section 73CA (1)(f) of the Co-Operative Societies Act, which provides that the primary Agricultural Credit Society, which is in arrears may resolve to send instead of their director a member of the Society who is not a defaulter. Only a society which is not in arrears may send a director or a member to vote. He further submits that Clause (VII) of the said Public Notice makes it clear that if the representative suffers from any disqualification, the representative can be changed, if found to be disqualified by the order of Competent Authority up to 5 days preceding the last date fixed for filing the nomination.

5. He would therefore, submit that considering that, respondent No. 6 incurs disqualification, being wife of a director that too of a defaulting society, the society can always substitute her with any other person, who does not incur disqualification to represent the society in the ensuing election of respondent No. 4 - Bank. He further submits that the impugned order itself would show that, things have been manipulated by respondent No. 6. In support of his submission he has drawn my attention to the observations in the order, where the statement of respondent No. 6 has been recorded, wherein she has stated that, the

society has issued no dues certificate to respondent No. 6 on 04.09.2026. She has also stated that she had obtained loan for the sugar cane crop to the extent of Rs. 1,75,000/- on 28.02.2025, which has been returned along with interest on 30.07.2026. According to him, on the cut off date it is declared that the member is not defaulter on 01.06.2026. The date mentioned in the explanation which is recorded by respondent No. 1, clearly indicates that respondent No. 6 is a defaulter on the cut off date i.e. 01.06.2026. He further submits that there is discrepancy in the dates given by the Society before respondent No. 1, which reveals that, respondent No. 6 has obtained a crop loan of Rs. 1,75,000/- on 28.02.2025 and has repaid an amount of Rs. 1,93,065/- on 30.05.2026. Similarly, referring to the opinion of the Assistant Registrar Co-Operative Societies recorded in the impugned order, he has drawn my attention to the date of repayment of the loan recorded by the Assistant Registrar, which is recorded as 30.05.2026. According to him, there is a discrepancy in the date for repayment given by the Society and the respondent No. 6 itself, which creates a doubt about the exact dates on which respondent No. 6 has repaid the loan amount and also whether she was a defaulter on the cut off date. He also submits that although he had filed an application, he was not heard and the objection has been decided behind his back.

6. Mr. S. K. Kadam, the learned Advocate, appearing for respondent Nos. 1 to 3 submitted that the petitioner is challenging the order on frivolous grounds. There is no substance in the objection raised

by the petitioner. So far as, the first ground of the petition, about the pendency of the dispute, raising challenge to the election of Members of Managing Committee is concerned, according to him there is no stay to the election of the Current Managing Committee Members, therefore, there is no substance in the contention of the petitioner that the Managing Committee and its members are not empowered to select the name of a delegate to be forwarded to cast vote on behalf of respondent No. 5 - Society. According to him, respondent No. 1 has rightly taken into consideration that aspect of the matter and has rejected the contention of the petitioner.

7. Mr. Rahul Karpe, the learned Advocate for respondent No. 6, on affidavit submitted that, the order passed by respondent No. 1 is perfectly justifiable, legal and valid. All the relevant provisions have been rightly dealt with by the Competent Authority. He further submitted that a report was called from the Assistant Registrar, Shrigonda, in connection with the objection raised by the petitioner. He further submitted that respondent No. 6 is not a defaulter and has cleared all her dues within time. He further submits that since no stay has been granted by any Court of law, against the Managing Committee Members, which is under challenge in the dispute raised by the petitioner, the name of respondent No. 6 needs to be maintained in the final voters list for the general election of respondent No. 4 - Bank.

8. He further submits that, the objection raised by the

petitioner was limited only to the extent of competency of the present Managing Committee to forward the name of respondent No. 6, in view of the pending dispute regarding the election to the Managing Committee, as well as the relationship of respondent No. 6 with one of the co-opted Directors, which according to the petitioner constitutes a disqualification incurred by respondent No. 6, for being delegated to cast vote in the election of respondent No. 4 Bank. He submits that, merely being related to a Director, who has been co-opted, would not incur any disqualification for being delegated to cast vote on behalf of respondent No. 5 - Society. According to him, respondent No. 6 is an independent person and the member of respondent No. 5 - Society, hence, there is no restriction on forwarding her name as a delegate of respondent No. 5 - Society. As such, no interference is called for in the order passed by respondent No. 1.

9. I have heard the respective parties and also perused the documents placed on record with the assistance of the respective parties.

10. The petitioner, who is a member of respondent No. 5 Society, has raised an objection to the inclusion of the name of respondent No. 6, on the ground that the present Managing Committee of respondent No. 5 - Society is not eligible to forward the name of a member of its society to cast vote on its behalf, on the ground that the dispute regarding the election of Managing Committee itself is pending before the appropriate authority. Hence, in view of pending dispute, the Managing

Committee is not empowered to forward the name. So far as, this ground is concerned, there is no stay to the functioning of the present Managing Committee by any Court, therefore, the first ground raised by the petitioner would not survive. Accordingly, respondent No. 1 has rightly observed that the objection raised by the petitioner in that regard is not maintainable.

11. So far as the second ground is concerned, in his written objection dated 31.08.2026, addressed to the District Co-Operative Election Officer and the Divisional Joint Registrar, petitioner has objected to the resolution for forwarding the name of respondent No. 6, on the ground that the husband of respondent No. 6, one Mr. Suryakant Vishnu More is a Director of respondent No. 5 - Society. Relying on Section 73-CA(A1) read alongwith Section 27 Sub Sections (10) and Section 75 Sub Section (10), it is claimed by the petitioner that as per Section 73CA (A1) alongwith the director of a Society, even his family members incur disqualification. Thus, according to him, since the husband of respondent No. 6 is a director of a defaulting Society, respondent No. 6 in capacity of his wife also incur disqualification.

Section 73-CA(A1) of the Co-operative Societies Act, reads as below :

“(A1) In the case of a Society, which gives loans to members for purchasing machinery, implements, equipment, commodities or other goods, or which deals in such goods, no member, who or whose member of the family is a dealer in such goods or is a director of a company or a partner in a firm carrying on business in such goods, in the area of operation of the society shall be eligible for being elected or

nominated as a member of the committee of such society;

Explanation. For the purposes of this sub-section, the expression "family" shall have the meaning as explained in the Explanation 1. to sub-section (2) of section 75.

(1) Without prejudice to the other provisions of this Act or the rules made thereunder relation to the disqualification of being member of a committee, no person shall be eligible for being appointed, nominated, elected, co-opted or, for being a member of a committee, if he-

(1) is a defaulter of any society;

Explanation. For the purposes of this clause, the term "defaulter" includes

(a) in the case of a primary agricultural credit society, a member who defaults the repayment of the crop loan on the due date;

(b) in the case of term lending society, a member who defaults the payment of any instalment of the loan granted to him;

(c) in the case of any society,-

(i) a member who has taken an amount or advance; or

(ii) a member who has purchased any goods or commodities on credit or availed himself of any services from the society for which charges are payable; and fails to repay the full amount of such amount or advance or pay the price of such goods or commodities or charges for such service, after receipt of notice of demand by him from the concerned society or within thirty days from the date of withdrawal of amount or advance by him or from the date of delivery of

goods to him or availing of services by him, whichever is earlier;

(d) in the case of non-agricultural credit societies, a member who defaults payment of any installment of the loan granted;

(e) in the case of housing societies, a member who defaults the payment the society within three months from the date of service of notice in writing served by post under certificate of posting demanding the payment of dues;”.

12. Upon careful reading of the above mentioned provision, it is evident that the aforementioned provision is applicable only to those societies, which give loans to its members for purchasing machinery implements etc. No member of such Society, whose family member is engaged in such business, or is a Director of any Company or partner of a Firm carrying business of any such goods in the area of operation of the society is eligible for being elected or nominated. Admittedly husband of petitioner is not a Director of any such Company or firm, engaged in business of goods and machinery, hence Section 73CA (A1) will not apply to disqualify respondent No. 6.

13. So far as the disqualification on account of being defaulter is concerned, though the petitioner has not raised any such ground in his written complaint, but while making his submissions he has raised a ground that, on the cut of date i.e. 01.06.2026, the respondent No. 6 was a ‘defaulter’, as she had not cleared her dues of loan obtained by her from respondent No. 5 Society. So far as the aforementioned ground is concerned, the learned Advocate for respondent No. 6 has tendered across the bar the receipt issued by respondent No. 5 Society, about the

repayment of dues by respondent No. 6 on 30.05.2026 itself, therefore, the said objection would not survive. Even otherwise, so far as, incurring disqualification on account of being defaulter is concerned, it is governed by **Section 73CA (1) (f) of the Co-operative Societies Act**, which reads thus :

“Section 73CA (f) disqualification of committee and its its members

‘[(f) in the case of District Central Co-operative Bank or of the State Co-operative Bank, a member, if he,—

(i) is a person who represents a society other than a primary agricultural credit co-operative society on the board of a District Central Co-operative Bank or the State Co-operative Bank, if the society to whom he represents has committed a default towards the payments of such Bank for a period exceeding ninety days;

(ii)(i) is a person who is a defaulter of a primary agricultural credit co-operative society or is an office bearer of a defaulting primary agricultural co-operative credit society;

(iii) is a person who represents a society whose Managing Committee is superseded.

**ii) has, in the opinion of the Registrar, deliberately committed breach of co-operative discipline with reference to linking up of credit with co-operative marketing co-operative processing; or*

*(ii-a) **or]*

**(iii) has been held responsible under section 79 or 88 or has been held responsible for payment of costs of inquiry under section 85; or*

**(iv) has incurred any disqualification under this Act or the rules made thereunder; :or by-laws of the society;*

**(v) carries on business of the kind carried on by the*

society either in the area on of the society or in contravention of the provisions of [clause (b) of sub-A1)]; or]

*Explanation. [***]*

**(vi) is a salaried employee of any society (other than a society of employees themselves) or holds any office of profit under any society, except when he holds or is appointed to the office of a Managing Director or any other office declared by the State Government by general or special order not to disqualify its holder or is entitled to be (or is nominated as functional director on the committee of a society under (2) of section [73AAA]).*

**(vii) has more than two children:”*

14. Since respondent No. 5 – Society is a primary agricultural Credit Co-Operative Society, the explanation of ‘defaulter’ is provided in Section 73CA (1)(f) of the Co-operative Societies Act would be applicable. Only in case the three conditions as mentioned under item Nos. (i) to (iii) of Sub Clause (f) of Section 73CA are fulfilled, the disqualification as a defaulter would be incurred. The first Clause (i) is applicable to the person who represents Society, other then the Primary Agricultural Credit Society, therefore, it would not apply to the petitioner as the respondent No. 5 Society is a Primary Agricultural Credit Society. The Clause (ii) would be attracted in case a person who is defaulter of primary Agricultural Credit Co-Operative Society or is office bearers of defaulting primary Agricultural Co-Operative Credit Society. So far as the first condition is concerned, respondent No. 6 has already cleared the doubt about the date on which the repayment of the loan has been made by placing on record the loan repayment receipt, therefore, she would not

incur disqualification as defaulter of Primary Agricultural Society. Hence, in view of the aforementioned observations, made herein-above, the order passed by respondent No. 1 is justified, legally sound and valid order and does not deserve any interference. As such, the Writ Petition stands dismissed.

(MANJUSHA DESHPANDE, J.)

Mahajansb/