

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12519 OF 2026**

Pravinkumar Bansilal Nahata
Age: 57 years, Occ: Agri. & Business,
R/o. Loni Venkanath, Tq. Shirgonda,
Dist. Ahilyanagar,
(Since in Jail through his wife)
Manisha w/o. Pravinkumar Nahata
Age: 54, Occ: Household,
R/o. A-603, Akshay Garden,
Sambhaji Nagar, Dhankawadi, Pune

... Petitioner

versus

1. The State of Maharashtra
through its Secretary Co-operation,
Marketing and Textiles Department,
Maharashtra State,
Mantralaya,
Mumbai-32.
2. The Directorate of Marketing
Maharashtra State, Pune
Having office at:
3rd Floor, New Central Building,
Ambedkar Wellesley Road,
Pune 411001.
3. Prakash Laxman Jagtap
District Deputy Registrar &
Presiding Officer
Having office at:
Ground Floor, Sahkar Sankool,
NT Wadi, Bus Depo, Shivaji Nagar,

Pune 411005

(Copy to be served on Govt. Pleader
High Court of Judicature of Bombay)

... Respondents

Mr. Nitin Gaware Patil, a/w. Ms. Rupsee Nerlikar, Ms. Aakanksha Jamadar and Mr. Shivkumar S. Jagwad, for the Petitioner.

Mr. Karan S. Thorat, “B” Panel Counsel, for the Respondent/State.

CORAM: BHARATI DANGRE &

ASHISH S. CHAVAN, JJ.

DATE: 21st SEPTEMBER, 2026

JUDGMENT (Per Ashish S. Chavan, J.):

1. Rule. Rule is made returnable forthwith by consent of both parties and taken up for final disposal. Learned AGP waives service of notice on behalf of the Respondent/State.

2. The petition is filed on behalf of the wife of the Petitioner who being the ‘Sabhapati’ of the Maharashtra State Co-operative Marketing Federation Limited, is aggrieved by a notice dated 11.09.2026 issued by Respondent No.2- Director of Marketing under Section 73-ID of the Maharashtra Co-operative Societies Act, 1960 and Rule 57A of the Maharashtra Co-operative Societies Rules, 1961.

3. The contention of the Petitioner is that since 12.04.2022, he is the Sabhapati of the Maharashtra State Co-operative Marketing Federation Limited, an apex federal body duly registered under the provisions of Maharashtra Co-operative Societies Act and the Rules framed therein. The Petitioner is facing a criminal prosecution for offences punishable under Section 3(5), 316(2), 316(5) and 318(4) of the Bhartiya Nyaya Sanhita, 2023 vide FIR No. 78 of 2025. Admittedly, the Petitioner is presently lodged in Yerwada Central Prison, Pune, in connection with the aforesaid criminal prosecution. On 08.09.2026, a requisition was made to call a special meeting of the committee for consideration of the motion of no-confidence against the Petitioner in terms of MCS Rules, 1961. On 11.09.2026, the Directorate of Marketing Maharashtra State, Pune, issued a notice convening the special meeting on 21.09.2026. The agenda of the said meeting was to move a motion of no-confidence against the Petitioner. It is this notice that is sought to be impugned by the Petitioner.

4. Heard Mr. Nitin Gaware Patil, learned Counsel for the Petitioner and Mr. Karan S. Thorat, “B” Panel Counsel, for the Respondent/State.

5. Learned Counsel Mr. Gaware Patil on behalf of the Petitioner has invited our attention to the notice dated 11.09.2026 contending that the said notice was served on 12.09.2026 at the residence of the Petitioner, upon his wife and not upon the Petitioner personally. It is also contended that the Petitioner has not been furnished with the grounds of the no-confidence motion. The grievance on behalf of the Petitioner is also that the notice is in breach of the mandatory provision of Rule 57A(2)(b) of the Maharashtra Co-operative Societies Rules, 1961 (**"MCS Rules, 1961"**), and hence, must be quashed and set aside. Learned Counsel for the Petitioner would also contend that the Petitioner was deprived of an effective opportunity to present his case before the special meeting and this has caused grave prejudice to him.

6. Countering these submissions, learned AGP argued that the impugned notice dated 11.09.2026 issued by Respondent No.2 is in consonance with the requirements of Rule 57A of MCS Rules, 1961, and hence the Petitioner is not prejudiced by the said notice. Moreover, the Petitioner is at liberty to authorise any other member on his behalf to defend him against the no-confidence motion. The

Petitioner has not made out any prejudice caused to him by way of the impugned notice and contended that this is not a fit case for interference by this Court in its writ jurisdiction.

7. Before advertng to the rival submissions, it would be apposite to reproduce extract of Rule 57A of MCS Rules, 1961, which reads thus:

“57A. Motion of no-confidence against the officers of the society.—

*57A(1)(b) Issue notice within 7 days from the date of receipt of the requisition, convening the special meeting for that purpose specifying therein place, date, time, name and designation of the officer who shall be presiding over such meeting, to all the members of the Committee, the Presiding Officer and the Managing Director, General Manager, Manager, paid Secretary, Group Secretary or such employee of the society, to whom the Registrar has directed to produce minute book of Committee meetings of the society. **This notice of no-confidence, shall also be issued, to the officer or officers against whom the motion of no-confidence is being moved and shall be accompanied by the copy of the requisition along with enclosures and agenda,***

(emphasis supplied)

(7)(h)(II) Allow the member against whom no-confidence motion is moved or any other member on his behalf to defend.”

8. As can be seen from the scheme of Section 57A, it deals primarily with the motion of no-confidence against officers of the

Society and the procedure to be followed therein. Sub-rule 1 deals with the requisition to call a special meeting of the committee of the society to consider a motion of no-confidence against the President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or other Officer of the Society by whatever designation called, who is an elected office bearer. Sub-rule 2 provides for the procedure of conducting the special meeting. Sub-rule 2(b) provides that the notice of no-confidence is also to be issued to the officer or officers against whom such motion is being moved and shall be accompanied by the copy of the requisition along with enclosures and agenda. Sub-rule 7(h)(ii) contemplates that the member, against whom the no-confidence motion is moved, can himself or through any other member on his behalf defend against the no-confidence motion.

9. A perusal of the impugned notice dated 11.09.2026 relied upon by the Petitioner clearly shows that the said notice is a requisition as contemplated under Rule 57A(2). It is accompanied by a copy of the no-confidence motion along with the requisition moved by the members who have sought the motion of no-confidence as contemplated by Form M-18 reflected in Rule 57A(1). Considering

the principal grievance of the Petitioner that he is prejudiced by the impugned notice, we are of the opinion that the impugned notice is in consonance with Rule 57A of the MCS Rules. It is accompanied by the annexures in consonance with Rule 57A (2)(b). Admittedly, the impugned notice, along with its annexures, has been accepted the wife of the Petitioner on his behalf and he is aware of the same. The Petitioner is also at liberty to authorise any other member on his behalf to defend against the no-confidence motion in terms of Rule 57A(7)(h)(ii). Thus, in our opinion, the Petitioner has failed to demonstrate any prejudice likely to be caused to him which would deprive him of a reasonable and effective opportunity to present his case before the special meeting and contest the no-confidence motion against him. The impugned notice does not warrant any interference by this Court. Consequently, the challenge to the impugned notice fails. Writ petition is dismissed. Rule is discharged.

(ASHISH S. CHAVAN, J.)

(BHARATI DANGRE, J.)