

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10631 OF 2015

Sau Alpana W/o Rajesh Wattamwar

Petitioner

Versus

The Returning Officer,
Sundarlal Sawji Urban Cooperative Bank Ltd
Jintur and others

Respondents

WITH
WRIT PETITION NO.10632 OF 2015

Pawan @ Devidas S/o Vijaykumar Ambure

Petitioner

Versus

The Returning Officer,
Sundarlal Sawji Urban Cooperative Bank Ltd
Jintur and others

Respondents

Mr. Deshpande Gaurav L. advocate for the petitioners
Mr. Onkar A. Jinturkar & Mr. D.R. Talankar h/f Mr. Tare Subhash D.
Advocates for Respondent No.3

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 20th OCTOBER, 2015.

PER COURT :-

1 The petitioners are objecting to the order in respect of rejection of nomination papers presented by them, with a view to

contest election for the post of Director of the bank.

2 It is not a matter of dispute that, the share value of the shares held by member was enhanced to Rs.15,000/-, by adopting a resolution in the meeting held in 2013 and the amendment to the bye laws was approved on 12.3.2014. It is informed by the learned counsel appearing for bank that, individual notices have been issued to all the members of the bank, informing decision of increase in the individual contribution of the member, in share capital and calling upon them to comply with the deficiencies by making payment of the difference in share amount. The learned counsel appearing for the respondent bank has made a categorical statement that, all the members including the petitioners have been issued individual notices.

3 In this view of the matter, and in view of provisions of section 26, since the Members have not fulfilled the requirement in respect of making minimum contribution of the share amount to the society and further that, the petitioners have not deposited a sum of Rs.1,00,000 each, with the bank, within contemplation of bye law 40 of the bank, we do not find prima facie that, the Returning Office has committed any mistake in directing rejection of the nomination papers. However, keeping open option of the petitioners to avail remedy available in law, after completion of

the process of election, writ petitions are disposed of.

4 It is clarified that, the views expressed by this Court in the instant order are of prima facie character and in an appropriate enquiry in the matter, the Competent forum, dealing with the challenge, shall not be influenced by the observations made by this Court.

5 The petitioners have also objected to the amendment to the bye-laws, adopted by the Society. Since there is an alternate remedy available for raising challenge to the amendment of by-laws, we do not propose to entertain, said challenge raised in the petition.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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