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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1715 OF 2015

Shri Purushottam Ramraje Jagtap & Anr.

..Petitioners.

Vs.

Maharashtra State Co-operative Election
Tribunal & Anr.

..Respondents

Mr. A.V. Anturkar, Senior Advocate i/b Mr. S.B. Deshmukh and Sandeep Pathak for Petitioners.

Mr. P.G. Sawant, AGP for Respondent-State.

**CORAM: NARESH H. PATIL &
A.S. GADKARI, JJ.**

DATE : 2nd March 2015.

P.C.:

Rule made returnable forthwith by consent of the parties.

2 It is contended that the Petitioner No.1 was elected as a Chairman of the Managing Committee of the Petitioner No.2-Karkhana, after the earlier Chairman Shri Rajvardhan Shinde resigned on 8th November 2013. It is contended by the Petitioner No.1 that he was elected by the Managing Committee Members of the Petitioner No.2-Karkhana. By the communication dated 30th January 2015, the Managing Director of the Petitioner No.2 to the State Co-operative Election Authorities requested to

hold a fresh election in view of the amendments brought to the Maharashtra Co-operative Societies Act and the Rules framed thereunder. Accordingly, the Respondent No.2-the Regional Deputy Director (Sugar) on the orders passed by the Election Authorities, by communication dated 11th February 2015 informed the Managing Director of the Petitioner No.2-Karkhana to hold a fresh election to the post of Chairman on 20th February 2015.

3 Being aggrieved by the said communication, the Petitioner No.1 approached this Court. By an order dated 18th February 2015, we issued notices to the Respondents and by way of ad-interim relief, we directed the effect and operation of communication dated 11th February 2015 be stayed.

4 The State has filed affidavit-in-reply through Shri Pandurang Abhimanyu Sathe, the Regional Deputy Director (Sugar), Pune. The learned Counsel for the Petitioners submits that necessary directions are issued to the Respondent-Election Authorities to declare election of the the Chairman of the Petitioner No.2, illegal and hold fresh election to the post of Chairman of the Petitioner No.2- Karkhana as per the provisions of Section 73-CB of the Maharashtra Co-operative Societies Act .

5 We have considered the submissions advanced before us. In view of the amended provisions of the Maharashtra Co-operative Societies Act, the Election Authority has been constituted to elect the Chairman of the Petitioner No.2-Someshwar Sahakaari Sakhaar Karkhana Ltd. The Respondents are directed to take appropriate steps to declare the election of the Chairman of Petitioner No.2-Someshwar Sahakaari Sakhaar Karkhana Ltd., as illegal and set out the programme of election of the Chairman within stipulated time. This exercise shall be completed within a period of four weeks in accordance with amended provisions of the Maharashtra Co-operative Societies Act.

6 In the facts of the case, the impugned communications dated 5th February 2015 and 11th February 2015 are quashed and set aside.

7 We do not express any opinion on the consequences of the Authorities taking decision in accordance with the amended provisions of Maharashtra Co-operative Societies Act.

8 Rule is made partly absolute.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)

