**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 550 OF 2016

Shiva s/o Bhiva Sasane .. **PETITIONER**

VERSUS

The Commissioner
State Co-operative Election Authority
Mumbai & others .. **RESPONDENTS**

Mr. A.S. More, advocate for petitioner.
Mr. S.K. Kadam, AGP for the State.
Mr. V.B. Deshmukh, advocate for respondent no.4.
Mr. V.Y. Patil, advocate for respondents 5 to 7.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.**
DATE : 10th FEBRUARY, 2016.

PER COURT :

1. Petitioner is objecting to deletion of names of 155 members from the final voters list prepared for the purpose of holding elections to Naygaon Vividh karyakari Seva Sahakari Society Ltd., Naygaon. Petitioner contends that about 155 members have deposited membership fees and the share amount at the rate of Rs. 100/- each, on 01.04.2012 and that, they have been admitted as members of the society. Their names were included in the preliminary voters list however, on consideration of the objections raised in that behalf, the District Deputy Registrar, Co-operative Societies, Ahmednagar, has directed deletion of their names.

2. It is recorded in the order passed by the District Deputy Registrar that there is no reference in respect of induction of members in 'J' form

maintained by the society as well as there is no such reference in the audit report for the year 2012-2013. In order to verify the contentions of petitioner as regards deposit of membership fees and share amount, we called upon the society to produce before us original record in respect of deposit of membership fees in the bank account of the society as also day book and cash book maintained by the society for the relevant period. Photostat copy of the relevant entry in the cash book is taken on record and marked 'X' for identification. On perusal of the relevant record, it is revealed that entry in respect of deposit of amount of Rs. 43,000/- in cash is taken in the cash book on 01.04.2012 as well as there is entry in respect of expenditure amounting to Rs. 47,384/- on account of return of share amount to some of the members. The aforesaid transaction is not reflected in the bank pass book since admittedly, the amount has not been deposited in the bank account. There is room to believe that there is prima facie manipulation in the cash book maintained by the society. There also appears to be over-writing in respect of one entry dated 01.04.2012 in the register, which is a relevant entry. The society is supposed to transact the business through the bank and the amount was expected to be deposited in the bank account. Apart from this, there is no reference of such transactions in the audit report for the year 2012-2013 which confirms prima facie impression that the entries might have been manipulated.

3. In the facts and circumstances of the case, we reject the petition and, at the same time, direct the co-operation department to conduct enquiry in respect of aforesaid matter and, if deemed necessary, take appropriate

action in accordance with the provisions of law.

4. Pending civil application, if any, does not survive and stands disposed of.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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