

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO. 34100 OF 2016**

Mr. Padekar Dilip Bhimaji

..Petitioner

Vs.

The Asstt. Registrar

Co-operative Societies (Dairy) Pune & Ors

..Respondents

Mr. Ganesh Bhjubal for the Petitioner

Mr. S. D. Rayrikar AGP for the Respondent No.1

CORAM : R. M. SAVANT, J.

DATE : 16th DECEMBER, 2016

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 8-12-2016 passed by the Appellate Authority who is also the Assistant Registrar Co-operative Societies, (Dairy) Pune, by which order the Appeal filed by the Respondent No.4 came to be allowed and resultantly the order dated 24-11-2016 passed by the Returning Officer rejecting the nomination of the Respondent No.4 came to be set aside and the nomination came to be held as valid.

2 The Respondent No.4 was desirous of contesting the elections to the Respondent No.3 society of which he is a member. The Respondent No.4 had accordingly filled up the nomination form, however Annexure-A to the said nomination was not filled up by the Respondent No.4. The said Annexure-A is a declaration which is referable to Section 73CA of the

Maharashtra Co-operative Societies Act, 1960. The Returning Officer rejected the nomination on the ground that the Respondent No.4 had not filled up the said Annexure-A and had kept it blank.

3 The Respondent No.4 carried the matter by way of an Appeal under Section 152 of the said Act to the Appellate Authority. The Appellate Authority held that since the Respondent No.4 had filled up the Annexure-B which is in the same terms as Annexure-A, the Returning Officer had erred in rejecting the nomination of the Respondent No.4. The Appellate Authority accordingly set aside the order dated 24-11-2016 passed by the Returning Officer and held the nomination of the Respondent No.4 as valid.

4 In terms of the election programme, the final list of the validly nominated the candidates is to be published today and thereafter voting is to take place on the date which would be stipulated by the authorities.

5 In my view, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]