

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6631 OF 2017

NAGNATH GANGADHAR UMARIWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Ghatol Patil S.B.
AGP for Respondents 1 to 5 : Shri Yadav-Lonikar S.R.
Advocate for Respondent 6 : Shri Kadam S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 06, 2018

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PER COURT :-

1. I have heard the learned Advocates for the respective sides. Copy of the order passed by this Court (Coram : V.K.Jadhav, J.) dated 16.1.2018 in Writ Petition No.6616 of 2017 is cited and the petitioners pray that an identical order be passed. Issue is with regard to the authorized committee being appointed under Section 77A(3) of the Maharashtra Cooperative Societies Act, 1960.

2. Shri Kadam, learned Advocate appearing on behalf of respondent No.6 - State Cooperative Election Authority, submits that many societies are not submitting the election expenses and a voters' list. Consequentially, elections cannot be held in such

defaulting societies. So also, Section 77A of the said Act does not provide for extension of term to the committee beyond six months and in such a situation, such societies would be practically rendered headless. He submits that this issue was not raised before this Court when the order dated 16.1.2018 was passed and hence this probable eventuality was not under consideration by this Court.

3. Learned Advocate for the petitioners makes a solemn statement that those societies, who would fail to deposit election expenses and provisional voters' list, may be dealt with by the State Government as would be permissible under the provisions of the said Act.

4. Considering the above and keeping in view that the term of the managing committee appointed under Section 77A has already expired, this petition can be disposed off with similar directions as were ordered by this Court on 16.1.2018 in the earlier litigation.

5. As such, this petition is disposed off with the following directions:-

(A) The competent authorities shall take effective steps for holding the elections, provided the concerned societies respond by depositing the election expenses, tendering the provisional voters' list and after completing all formalities within one month from today.

(B) Those societies, who do not deposit the election expenses as well as the provisional voters' list and fail to complete all requisite formalities, shall be dealt with by the Government as is permissible under the Maharashtra Cooperative Societies Act, 1960.

(RAVINDRA V. GHUGE, J.)

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