IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 637 OF 2018

Gautam Krishna Kamble & Anr. … Petitioners
V/s.
The State of Maharashtra & Ors. … Respondents

Mr. Anand S. Patil for the Petitioners.
Ms. Jyoti P. Jadhav, A.G.P. for the State.
Mr. Vikrant A. Desai for Respondent No.4.

CORAM : A.A. SAYED AND
V.L. ACHLIYA, JJ.
DATE : 13th MARCH, 2018.

P.C. :

1 On 17.01.2018 this Court had passed the following order :-

"1 Leave to amend the Writ Petition. Leave is also granted to add concerned Election Officer as party Respondent. Amendment to be carried out within one week from today.

2 Issue notice to newly added Respondent, returnable on 31 January 2018. Hamdast is permitted.

3 We find that there is gross violation of the mandatory provisions of Rule 76 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014.

4 In the circumstances, we direct that the calling of the meeting in terms of the notice dated 8 January 2018 be deferred until further orders."

2 In view of the aforesaid order, the elections now stands deferred and a fresh election programme shall now have to be published. It is an admitted position that in the final voters list of 107 members, 41 members who have already expired, was also shown. Learned Counsel for Respondent No.4 Society makes a statement that the Respondent No.4 Society shall consider the pending Applications filed by the heirs of the deceased members to make them members of the Respondent No.4 Society in accordance with the bye-laws of the Society and after taking appropriate decision within eight weeks, they shall submit the fresh list of the members to the concerned authority within one week thereafter. It is expected that the entire exercise of holding the elections of the Respondent No.4 Society shall be carried out within a period of three months thereafter. The statement of learned A.G.P. is recorded that the fresh elections shall be declared and held in accordance with the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014.

3 Accepting the statements of the learned Counsel for the Respondent No.4 Society and the learned A.G.P., we dispose of the Petition

(V.L. ACHLIYA, J.) **(A.A. SAYED, J.)**