

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2064 OF 2018

Saurabh Bhatia ... Petitioner
V/s.
Dy. Reg. Co.Op. Soc. P. South Ward & Ors. ... Respondents

Mrs. Sumedha Rao for the Petitioner.
Mrs. K.R. Kulkarni, A.G.P. for Respondent Nos.1, 2 and 9.
Mr. S.J. Chaurasia i/b Ashoka Law for Respondent No.3.

**CORAM : A.A. SAYED AND
V.L. ACHLIYA, JJ.**

DATE : 23rd FEBRUARY, 2018.

PC. :

1 On 16.02.2018 the following order was passed :-

“ The above Writ Petition has been filed questioning the manner in which the elections are being held to the Society in question i.e. the Respondent No.8 herein. There is a Administrator who has been appointed on the said Society since 29/03/2017 for a period of six months. Hence as on date the Administrator is in-charge of the said Society. Prima facie we find that the election process is not in accord with Rule 75 of the Maharashtra Co-operative Societies (Election to Committee) Rules. This is in the context of the fact that the Administrator is in-charge of the Society. Hence to enable the learned AGP to take instructions we defer the hearing of the above Writ Petition to 23/02/2018. Until then the voting which is to take place on 18/02/2018 not to take place. The same would be

subject to further orders that would be passed by this Court in the above Writ Petition. In the interregnum, the learned counsel for the Petitioner may serve the other Respondents with a copy of the above Writ Petition. The instant order to be communicated to all concerned by the learned AGP. The above Writ Petition to be placed before the Regular Court on 23/02/2018.”

2 Inasmuch as the Division Bench had directed that the voting to the election which was to take place on 18.02.2018, shall not to take place, nothing survives for consideration in the present Petition.

3 We accept the statement of the learned A.G.P that a fresh election be conducted by following due procedure under Part X of Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 and dispose of the Petition. All contentions of the parties are kept open.

(V.L. ACHLIYA, J.)

(A.A. SAYED, J.)