

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

WRIT PETITION NO.2690 OF 2020

Kharade Seva Sahakari Society Ltd. .. Petitioner
Versus
Thane District Central Co.Op. Bank Ltd. & Ors. .. Respondents

Mr.Sandesh Patil a/w Mr.Chintan Shah for the petitioner.
Mr.Ajit M. Savagave for the respondent no.1.
Mr.Dilip N.Patil Bankar for the respondent nos.2 and 3. C.S.C.
Mr.A.A. Alaspurkar, AGP for the respondent no.4.

**CORAM : R.D. DHANUKA
V.G. BISHT, JJ.
DATE : 11th JANUARY 2021**

P.C.:-

1. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order/letter dated 27th January 2020 issued by the respondent no.3 and order/letter dated 29th January 2020 issued by the respondent no.2.

2. We are informed that the impugned order/letter dated 27th January 2020 issued by the respondent no.3 has already been quashed and set aside by the Aurangabad Bench of this Court by judgment dated 11th March 2020 in Writ Petition No.2924 of 2020 along with other connected writ petitions filed by the Ishwar Madhav Patange & Ors. against the State of Maharashtra & Ors. and the same has been declared illegal, arbitrary and ultra vires to the constitutional provisions embodied in Article 243ZJ and 243ZK of the Constitution of India and Section 157 and 73CC of the Maharashtra Co-operative Societies Act, 1960.

3. The grievance now made by the petitioner is that though the said notification which is impugned in this petition has been quashed and set aside and the Election Commissioner has declared the elections in respect of various other Co-operative Societies, no such notification is issued in respect of Thane District Central Co.Op. Bank Ltd. which is the subject matter of this petition.

4. Learned counsel for the respondent nos.2 and 3 does not dispute that the impugned order/letter dated 27th January 2020 issued by the respondent no.3 has been quashed and set aside by the Aurangabad Bench of this Court. He states that Government of Maharashtra vide its order dated 18th March 2020 has amended Section 73CC of the Maharashtra Co-operative Societies Act, 1960, covering most of contingencies whereof the elections of Co-operative Societies needs to be postponed.

5. It is submitted by the learned counsel that elections of the members of the managing committee of all the Co-operative Societies were postponed from time to time. Vide order dated 28th September 2020, the said elections were again postponed till 31st December 2020. No such further order has been passed postponing election beyond 31st December 2020.

6. In view of these circumstances, we direct the respondent nos.2 and 3 to resume the process of conducting elections in accordance with the programme which was issued on 23rd December 2019 page 68 of the writ petition from the stage it was left and shall complete the entire process on or before 31st March 2021.

7. Writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

V.G. BISHT, J.

R.D. DHANUKA, J.