

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6545 OF 2023

Subhash B. Shinde

...Petitioner

V/s.

State of Maharashtra and ors.

...Respondents.

Mr. S.S. Kanetkar for the Petitioner.

Mr. A.I. Patel, Addl.GP a/w. Mr. P.G. Sawant, AGP for the Respondent/ State.

Mr. Sarang Aradhye a/w. Ms Gauri Velankar for Respondent No.5.

CORAM : N.R. BORKAR, J.
DATE : 05.06.2023.

P.C. :

1. This petition takes an exception to the order dated 22 May 2023 passed by respondent No.3, who is appointed as Returning Officer to conduct the elections of Managing Committee / Board of Directors of Shri. Makai Sahakari Sakhar Karkhana, Bhillarwadi, a society registered under the Maharashtra Cooperative Societies Act. By the order impugned, the respondent No.3 has rejected the objection filed by the petitioner to nomination form of respondent No.5 filed by him to contest the election of the Board of Directors of the society in question.

2. The learned counsel for the petitioner submits that respondent No.5 was Director of the society in question from 2017 to 2022 and during the said period, the Commissioner (Sugar) has imposed penalty on the society to the tune of Rs.5,63,02,500/-. It is submitted that the respondent No.5 is, thus, not eligible to be

elected as Director in view of the clause 28(7) of the bye-laws of the society in question.

3. Admittedly, the remedy of filing of election petition is available to the petitioner. In that view of matter, I am not inclined to entertain the present petition. Hence, the Petition is dismissed.

[N.R.BORKAR, J.]