



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15586 OF 2023

Avinash Vijaykumar Chougule & Anr.

...Petitioners

Versus

The District Deputy Registrar

Co-operative Societies, Kolhapur & Anr.

...Respondents

Mr. Chetan G. Patil i/b. Mr. Mandar G. Bagkar, for the Petitioners.

Mr. Deelip Bankar-Patil, Chief Standing Counsel, for Respondent No.1/SCEA.

Mr. Utkarsh Desai, for Respondent No.2.

CORAM : MADHAV J. JAMDAR, J.

DATED : 18th DECEMBER 2023

P.C. :

1. Heard Mr. Chetan Patil, learned Counsel appearing for the Petitioners, Mr. Deelip Bankar-Patil, learned Chief Standing Counsel appearing for Respondent No.1 and Mr. Utkarsh Desai, learned Counsel appearing for Respondent No.2.

2. The challenge in the present Writ Petition is to the legality and validity of Order dated 28th November 2023 passed by Respondent No.1-the District Deputy Registrar, Co-operative Societies, Kolhapur.

By the impugned Order, the objection filed by the Petitioners under Rule 11 of the *Maharashtra Co-operative Societies (Election to Committee) Rules, 2014* is rejected. The Petitioners names are not included in the voters list on the ground that they were defaulters. The Respondent No.1 has in the impugned Order observed that the Respondent No.2-Society has submitted the documents showing that the Petitioners are the defaulters.

3. Mr. Chetan Patil, learned Counsel appearing for the Petitioners has relied on several documents including a No Dues Certificate to substantiate the case of the Petitioners. However, Mr. Utkarsh Desai, learned Counsel appearing for Respondent No.2 has pointed out the audit report dated 5th February 2021, showing that the interest for the financial year 2018-2019 and 2019-2020 has not been recovered from the Petitioners.

4. Therefore, no case is made out to interfere in the impugned Order.

5. It is clarified that the reasons given in this order are only to examine the impugned Order passed by the Respondent No.1. All contentions of the parties in other proceedings are expressly kept open.

6. The Writ Petition is dismissed, however with no order as to costs, subject to above.

[MADHAV J. JAMDAR, J.]