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

WRIT PETITION NO.682 OF 2024

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Jai Hanuman Nagari Sahakari
Patsanstha Maryadit, Islampur ... Petitioner

V/s.

District Cooperative Election Officer &
District Deputy Registrar, Co-operative
Society & Anr. ... Respondents

Mr. Umesh R. Mankapure for the petitioner.

Mr. Deelip Patil Bankar, Chief Standing Counsel SCEA
with Ms. Pooja D. Patil for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 17, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** The petitioner is challenging order dated 5th January 2024 passed by the Election Officer appointed under Rule 3 of the Maharashtra Cooperative Societies Election Rules, 2014.
- 3.** The petitioner is a cooperative society registered under the Maharashtra Cooperative Societies Act, 1960. On 22nd May 2023 a program for holding election of respondent No.2 federal society was published. The Election Officer, on 19th December 2023, published provisional list of voters as required under Rule 11 of

Rule 10(2) of the Maharashtra Cooperative Societies Election Rules, 2014. The petitioner's name was not included in the list.

4. The petitioner raised an objection before Election Officer that the communication sent by the Election Officer calling for nominating representative of society was not received by the petitioner and, therefore, representative of petitioner's society was not nominated. Resultantly, the petitioner's name was not included in the provisional voters list. The Election Officer, by the impugned order, rejected the objection of the petitioner.

5. For the purpose of deciding the objection, it is necessary to consider Rule 10(2) of the Maharashtra Cooperative Societies Election Rules, 2014, which reads as under:

“10. Particulars to be included in the provisional list of voters for the societies having society or society and individuals as members.—

(1)

(2) Where a society or firm is the member of Society, the District Co-operative Election Officer or the Taluka or Ward Co-operative Election Officer shall publish a date for calling the name of representative, one hundred and fifty days prior to the date of expiry of term of office of the Committee. And such society shall send the name of representative duly authorized to vote at the election on behalf of the society or firm, so as to reach it to the office of the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer at least one hundred and twenty days prior to the date of expiry of term of office of the Committee. The representative authorized by the member society shall be an active member of the

member society.”

6. On perusal of the Rule, it appears that only requirement under the Rule is to publish a date for calling the name of representative, which is a date 150 days prior to expiry of term of the committee. Once such notice is published, the society is bound to send its representative at least 120 days prior to expiry of term of the committee. It is also a requirement that member of society shall be an active member of society. In the facts of the case, the petitioner nominated its representative on 19th December 2023 which is much beyond period of 120 days as required under Rule 10(2) Maharashtra Cooperative Societies Election Rules, 2014. Page 13 of the writ petition indicates that the notice as required under Rule 10(2) was published on 19th April 2023. Therefore, there is no legal infirmity in the order.

7. The writ petition is dismissed. No costs.

8. Rule stands discharged in above terms.

(AMIT BORKAR, J.)