

PRACHI PRANESH
NANDIWADEKAR

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Date: 2024.03.22
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2895 OF 2024

Ravindra Shrirang Pawar & Ors.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

Mr.S.C. Naidu a/w Mr.Manoj A. Patil for the petitioners.

Mr.S. P. Shetye, AGP for respondent nos.1 & 2-State.

Mr.Deelip Patil Bankar, Chief Standing Counsel SCEA (through VC) a/w
Ms.Pooja Deelip Patil for respondent nos. 3 & 4.

Mr.Shekhar Jagtap a/w Mr.Venkatesh Shinde i/by J.Shekhar Associates
for respondent no.5.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE : 20th March 2024

PC:-

. Pursuant to the order dated 5th March 2024, respondent no.3 has filed its affidavit-in-reply through its Regional Joint Director of Sugar. In the said affidavit, reference has been made to the Government Resolution dated 28th February 2024 to contend that in view of ensuing Parliamentary Elections, the Department of Co-operation, Marketing and Textiles has in exercise of powers under Section 73CC of the Maharashtra Co-operative Societies Act, 1960 (for short “the said Act”) postponed the elections of all Co-operative Societies within the State of Maharashtra till 31st May 2024. It is further stated that after this date, further process would be completed within three weeks thereafter.

2. The learned counsel for the petitioners by inviting our attention to various orders passed with regard to the elections in question and especially order dated 21st April 2023 passed in Writ Petition No.282 of 2023 submits that since the election process had commenced pursuant to the orders passed in these proceedings, the exception carved out in the Government Resolution dated 28th February 2024 would be applicable. It was, therefore, submitted that it was not necessary to wait till 31st May 2024 for finalizing the voters' list.

3. On a perusal of the documents on record, it is clear that the process in regard to conduct of the election of respondent no.5-Co-operative Society was the subject matter of various proceedings in this Court. By an order dated 21st April 2023 passed in Writ Petition No.282 of 2023, the election process was stated to commence within a period of four weeks from that date. There are various other orders passed in different proceedings with regard to finalization of the voters' list.

4. In that view of the matter, we find that the order dated 28th February 2024 passed by the State of Maharashtra under Section 73CC of the said Act would not be applicable to the present case.

5. In that view of the matter, respondent no.3 is directed to

consider the objections as raised in provisional voters' list in accordance with Rule 11 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 as well as the order dated 7th September 2023 passed in Writ Petition No.9547 of 2023 and proceed further towards finalizing the voters' list.

6. We may observe that after the voters' list is finalized as there are about 29000 electors, it would be open for respondent no.3 to declare the election programme after 31st May 2024.

7. The writ petition is disposed of with aforesaid directions. No costs.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.