

VRJ

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

WRIT PETITION NO.70 OF 2024

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VAIBHAV RAMESH
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Raghunath Gangadhar Fadol & Ors. ... Petitioners

V/s.

Vishwas Chintaman Nagare & Ors. ... Respondents

WITH

WRIT PETITION NO.71 OF 2024

Raghunath Gangadhar Fadol & Ors. ... Petitioners

V/s.

Dilip Shankar Thete & Ors. ... Respondents

Mr. Surel S. Shah i/by Mr. Sachit Gite for the petitioners.

Mr. Prasad Dhakephalkar, Senior Advocate with Mr. Kishor Patil i/by Mr. Pratik B. Rahade for respondent No.1.

Mr. Sanjay D. Rayrikar, AGP for the State/respondent Nos.2 to 4 in WP/70/2024.

Mr. P. G. Sawant, AGP for the State/respondent Nos.2 to 4 in WP/71/2024.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 3, 2024

P.C.:

1. Heard learned advocates for the parties.
2. Prima facie the issue which requires consideration is the

interpretation of expression “contesting candidates” under Rule 66(a) of the Maharashtra Cooperative Societies (Election to Committees) Rules, 2014. Prima facie, it appears that the election of the such society was uncontested. The duty cast under Rule 67(1)(a) is on contesting candidates to lodge an account of election expenses within period of 60 days from the date of declaration of election result with the Returning Officer. Prima facie, it appears that till the final list of eligible nominated candidates is declared under Rule 28, the expression used in earlier Rules regarding nomination and other process is restricted to word “candidate”. However, only at the stage of preparation of list under Rule 28, the candidate gets status of contesting candidate.

3. On perusal of Rules 29 and 30, it appears that the expression “contesting candidates” is used in the Rules after the nomination paper by a candidate was accepted.

4. The Apex Court in the case of **Laxmibai vs. Collector, Nanded & Ors.** reported in (2020) 12 SCC 186 has held submission of expenses as directory. The purpose of introducing Part-VIII of the Maharashtra Cooperative Societies (Election to Committees) Rules, 2014 prima facie appears to maintain purity of election without indulging in unfair practices. Therefore, it is necessary that the expression “contesting candidates” in Sub-rule (a) of Rule 66 of the said Rules requires to be interpreted after giving serious thought on the submissions made on behalf of the parties.

5. Hence, until further orders, there shall be ad-interim relief in

terms of prayer clause (b).

6. Leave to amend. Amendment to be carried out within two weeks from today.

7. List the writ petitions on **14th February 2024**. In the meantime, parties are at liberty to file their reply.

(AMIT BORKAR, J.)