

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2036 OF 2024

Hansraj Ramdas Kasare & anr.

.Petitioners

Versus

Dr. Ambedkar CHS Ltd. & Ors.

.Respondents

Mr. Rohan Mahadik, a/w Ms. Rachana Karad & Ms. Mekhala More
i/b. The Juris Partners, Advocates, for the Petitioners.

Mr. A. Y. Sakhare, Senior Advocate i/b. Mr. Yadnesh R. Ayer, for
Respondent No. 1.

Ms. Uma Palsule-Desai, AGP, for Respondent Nos. 2 & 3.

Mr. Chandrashekhar Dongarwar, Co-operative Officer, Grade II,
present in Court.

CORAM: MADHAV J. JAMDAR, J.

DATE: 09.07.2024

P. C.:

1. This Court had passed the following order on 02.07.2024 :-

“1. Heard Mr. Sawant, learned Counsel appearing for the Petitioners, Mr. Sakhare, learned Senior Counsel appearing for the Respondent No.1 and Ms. Palsuledesai, learned AGP, appearing for the Respondent Nos.2 and 3.

2. Initially Mr. Sakhare, learned Senior Counsel tried to submit that the Writ Petition itself is not maintainable. However, during the course of hearing, Ms. Palsuledesai, learned AGP submitted a letter dated 25th June 2024 issued by the Deputy Registrar, Co-operative Societies, H-West Division, Mumbai stating that an officer from the Department of Co-operation will be appointed as an Administrator and another officer will be appointed as an Election Officer and the election will be held within a period of three months.

3. Mr. Sakhare, learned Senior Counsel, after taking instructions from Mr. Vaibhav More, who is present in Court states that the Respondent No.1 and said

Vaibhav More have no objection to the said course of action proposed by Ms. Palsuledesai, learned AGP

4. It is also required to be noted that a learned Single Judge (Coram: M.S. Karnik, J.) after noticing that the term of the existing Managing Committee has come to an end in the year 2015 and on 16th January 2017 the Board of Administrators were appointed and inspite of that no further action was taken, by Order dated 23rd February 2021 passed in Writ Petition No.1541 of 2018 (Original Side) along with Writ Petition No.646 of 2019 (Appellate Side) directed said Board of Administrators to conduct the election within a period of six months. However, it is an admitted position that for one reason or other the said Administrator could not take charge of the Record of the Society and no elections have been conducted.

5. In these peculiar facts and circumstances of the case, Mr. Sakhare, learned Senior Counsel appearing for the Respondent No.1 after taking instructions, submitted that the Respondent No.1 has no objection if Government Officers are appointed as an Administrator as well as an Election Officer and if elections are directed to be conducted within time bound manner.

6. In view of this position, Ms. Palsuledesai, learned AGP appearing for the Respondent Nos. 2 and 3 seeks time.

7. Stand over to **9th July 2024** for passing final order in the Writ Petition. To be listed fairly high on board.”

2. Pursuant to above Order dated 02.07.2024, the Deputy Registrar, Co-operative Society, ‘H/WEST’ Ward, Mumbai had passed an Order dated 04.07.2024 under Section 77A(4) of the *Maharashtra Co-operative Societies Act, 1960* (“MCS Act”) and under Rule 76(b) of the *Maharashtra Co-operative Societies (Election to Committee)*

Rules, 2014 (“election Rules”). By the said Order, Mr. Ashok Pagare – Retired Government Officer has been appointed as the authorised officer for conducting day to day affairs of the Society and Mr. Chandrashekhar Dongarwar, Co-operative Officer Grade II has been appointed as the Election Officer and he has been directed to hold the election to elect the Managing Committee of the Respondent No. 1 – Society in accordance with the relevant Rules and regulations.

3. Accordingly, Mr. Chandrashekhar Dongarwar, Co-operative Officer Grade II is directed to conduct the election of the Managing Committee of the Respondent No. 1 – Society and conclude the election process by 31.10.2024.

4. Mr. Ashok Pagare, authorised officer is directed to look after the day-to-day affairs of Respondent No.1-Society till the said election is concluded.

5. The authorised officer is directed to handover charge to the newly elected Managing Committee within a period of 15 days from the day on which the election result is declared.

6. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]