



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 13665 OF 2024

Vilas Limbaji Wayal
Age-54 years, Occupation-Service,
R/o. Shrikrushna Rukhimini Nagar,
New Mondha Road, Jalna,
Tq. & Dist. Jalna.

.....PETITIONER

VERSUS

1. The Divisional Joint Registrar Co-op. Societies,
Chhatrapati Sambhajinagar.
2. District Deputy Registrar Co-operative Societies,
Jalna, Dist. Jalna
3. Assistant Registrar Co-operative Societies,
Jalna, Dist. Jalna
4. Jalna Zilla A Shaskiy Shikshak V
Shikshketan Karmachari Sahkari Patsanstha Ltd.,
Jalna, Dist. Jalna,
Through its Secretary.
5. Prabhakar Bapurao Mohite
Age-44 years, Occupation-Service,
R/o. Maratha Vidyalay Vasundara Nagar,
Jalna, Tq. & Dist. Jalna

.....RESPONDENTS

Mr. R. V. Gore, Advocate for the Petitioner
Ms. Kalpalata Patil Bharaswadkar, Addl.GP for Respondents-
State
Mr. R. D. Biradar, Advocate for Respondent no.4
Mr. K. J. Suryawanshi, Advocate for Respondent no.5

CORAM : ROHIT W. JOSHI, J.

DATED : 13TH AUGUST, 2025

ORAL JUDGMENT :-

. The petitioner is elected member of managing committee of respondent no.4, which is a co-operative society, registered under the Maharashtra Co-operative Societies Act, 1960. In view of default in making payment of installments of loan taken by the petitioner from the respondent no.4/society, an order of disqualification under Section 73CA(1) came to be passed against the petitioner on 14.12.2023 by the District Deputy Registrar.

2. The petitioner preferred a revision against the said order of disqualification before the Divisional Joint Registrar of Co-operative Societies which came to be partly allowed on 28.12.2023. These orders are assailed in the present petition.

3. The learned Counsel for the petitioner states that before the order of disqualification was passed, entire loan amount was paid by the petitioner and therefore, drastic action under Section 73CA(1) of removal of an elected representative of co-operative society ought not to have been taken. He further states that no notice for clearing the dues was issued to the

petitioner before passing the impugned order. The petitioner had availed loan of Rs.10,00,000/- from the respondent no.4/society and had committed default in making payment of installments for the months of August, 2021, September, 2021, October, 2021, December, 2021, January, 2022, April, 2022, May, 2022, June, 2022, August, 2022 and October 2022. The said loan amount is repaid on 08.03.2023.

4. The nomination forms for elections for elections of the managing committee of the respondent no.4/society were to be filed from 21.02.2022 to 27.03.2022. Results were declared on 27.03.2022. Admittedly, the loan is repaid on 08.03.2023. Thus, on the date of filing of nomination form and as well as on the date of declaration of result, the petitioner was a defaulter within the meaning of Section 73CA(1) of the Maharashtra Co-operative Societies Act, 1960. It will be pertinent to state that as has been held by this Court in the matter of *Yuvraj Datajirao Patil Vs District Deputy Registrar Co-op. Societies, Kolhapur & Ors., reported in 2023 (2) Mh.L.J 473*, even if the dues are cleared after the disqualification, the disqualification cannot be wiped out. The provision is very clear and explicit and it unequivocally

provides that even failure of making payment of one single installment of the loan amount will result in disqualification of member and will result in cessation of membership of the committee. The judgment also holds that the disqualification is incurred the moment a default is made in making payment of installment and the order passed under Section 73CA(1) is not an order by virtue of which the member incurs disqualification but the disqualification is automatic, which is merely declared by the order. In view of undisputed factual position emerging on record that the petitioner has defaulted in timely payment of several installments, it has to be held that the petitioner was ineligible for being elected as a member of committee of the respondent no.4/society as on the date of filing of nomination form and as on the date of declaration of result.

5. In view of the above, this Court sees no reason to interfere with the impugned orders. Writ Petition is dismissed with no orders as to cost.

6. Civil Application, if any, stands disposed of.

(ROHIT W. JOSHI, J.)