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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 298 OF 2025

Shri. Mahalsa Consumers
Co-op. Society Ltd.
Through its Chairman
Shri. Sandesh Mandrekar,
Having its registered address at
Alto, Porvorim, Bardez, Goa.

... Petitioner

Versus

1. The Chief Election Officer,
Office of the Registrar of Cooperative
Societies,
Sahakar Sankul, Patto,
Panaji, Goa.

2. The Asst. Election Officer,
For election to Board of Directors,
Goa State Coop. Bank Ltd.,
Office of the Registrar of Cooperative
Societies,
Sahakar Sankul,
Patto, Panaji, Goa.

3. The Goa State Coop. Bank Ltd.
Through its authorised representative,
Panaji, Goa.

...Respondents

Mr. Vithal Naik, Advocate for the Petitioner.

Mr. Deep Shirodkar, Additional Government Advocate for Respondent Nos. 1 and 2.

Ms. Shruthi Loleyekar, Law Officer for Respondent No. 3.

CORAM : VALMIKI MENEZES, J.
DATED : 24TH JULY, 2025.

ORAL ORDER:

1. Registry to waive objections and register the matter.
2. The Petitioner impugn herein the order dated 17.02.2025 passed by the Chief Election Officer for the Goa State Co-operative Bank Ltd. (in short “GSCBL”) in case No. CEO/NORTH/Appeal/55(5)/07/2024-25/4167. The Petitioner also challenge order dated 22.01.2025 bearing Reference No.1/13/AEO/GSCB/Elec/2023-24/085 passed by the Assistant Election Officer. The challenge to these two orders arises on the basis of following undisputed facts.
3. The Petitioner’s Society is a member of the Federal Society i.e. GSCBL. The elections to the Board of Directors of the GSCBL, owing to the completion of the term of previous Board is due to take place. In terms of Section 66

of the Goa Co-operative Societies Act, 2001, the elections to the Board of Directors is required to be conducted before the expiry of the term, to ensure that the newly elected members of the Board assume office immediately on expiry of the office of the members of the outgoing Board. In pursuance of this, the GSCBL issued a notice dated 23.09.2024 to all its constituted members/societies, one of which was the Petitioner, calling upon them to submit the nominee of the constituted Co-operative Societies for the purpose of preparing the list of voters. The last date for submitting all nominations was 10.10.2024 and this date was extended to 25.10.2024. By the provisions of the Act, each constituted Co-operative Society is required to appoint through a Resolution of its own Board, a nominee from amongst the members of the Board of Directors, who would represent each Co-operative Society for the elections to be conducted by the Federal Society (GSCBL).

4. In the present case, in the present case the Petitioner claims that its Board of Directors passed the Resolution on 03.10.2024 nominating one Shri. Narayan Vasudev Mandrekar to represent it at the elections of the GSCBL, but this Resolution was not sent to the office of the Federal Society by the last date i.e. by 25.10.2024. It is an admitted position that no reply was actually filed by the Petitioner to

the GSCBL forwarding a name of their nominee within the original time frame provided or the extended time frame provided under the notice.

5. It is the Petitioner's case that subsequent to the expiry of the aforementioned notice period, the Petitioner passed a second Resolution in its Board of Directors on 17.12.2024 nominating one Shri. Sandesh Mandrekar, as its nominee for representing the Society in place of the earlier nominee Shri. Narayan Vasudev Mandrekar, in view of advanced age and deteriorating health condition of the said Narayan. However, this Resolution was not communicated at that point of time to the GSCBL, which, in the meanwhile, sent the provisional list of voters on 27.12.2024 to the office of the Assistant Election Officer. This was in compliance with the provisions of Rule 53 of the Goa Co-operative Societies Rules, 2003.

6. The provisional list of voters came to be published by the Assistant Election Officer on 30.12.2024, calling for objections from the constituted Societies. This was in compliance with the provisions of Sub Rule 1 of Rule 55 of the said Rule. Sub Rule 1 requires provisional list of voters to be published, inviting claims and objections, any omissions or error in respect of name or address or other

particulars in the list. Objections to that effect are to be raised within 15 days from the publication of the provisional list of voters. In this case, the 15 days period under Sub Rule 1 of Rule 55 would expire on 13.01.2025 which would be the last date for objections to be entertained.

7. In the present case, the record reveals that the Petitioner communicated to the Assistant Election Officer, a letter dated 09.01.2025 which was received by the Assistant Election Officer on 13.01.2025, stating it had passed a Resolution appointing as delegate of the Society, Shri. Suresh P. Bandodkar.

Rule 55 contemplates a single notice with certain timelines stated under Sub Rule 1 without requiring multiple notices to objectors. Despite the requirement Sub Rule 1 of Rule 55, the record reveals that the Assistant Election Officer published a second notice on 14.01.2025, once again inviting objections in terms of Sub Rule 1 of Rule 55. Note must be taken of the fact that Sub Rule 1 of Rule 55 contemplates objections to the provisional list of voters, restricted to claims, omissions or errors in respect of names contained in the list of voters and does not contemplate consideration of fresh names of nominees sent

for the first time, by- passing the notice given by the Federal Society (GSCBL) to its constituent member.

8. The Petitioner was called for a hearing on 14.01.2025, after which the impugned order rejecting the nomination was passed on 22.01.2025. This order was passed after conducting a preliminary inquiry and concluding that the lapse on the part of the Petitioner, Society to submit the names of its delegate within the stipulated time cannot be considered as an omission within the ambit of Rule 55 of the Co-operative Rules, 2003. The Assistant Election Officer has passed this order under Sub Rule 2 of Rule 55 which requires an inquiry to be conducted into the objections and claims and a decision to be taken within 10 days of the date provided in the notice in order to have final list of voters ready, and to commence the election process for the elections of the Federal Society (GSCBL).

9. The Petitioner then challenged this order in Appeal under Sub Rule 5 of Rule 55, and the Appeal came to be rejected on 17.02.2025 by the Chief Election Officer.

It is order of the Assistant Election Officer under Sub Rule 2 of Rule 55 and the Appellate order of the Chief

Executive Officer under Sub Rule 5 of Rule 55 that has been impugned in this petition.

Submissions:

10. The main contention raised by learned Advocate Mr. Vithal Naik for the Petitioner was that, though Section 66 provides for nominations of the constituent members of the Society to be forwarded to the Federal Society within a time frame, even if such time frame was not adhered to and followed and the nominations were not communicated, within the time specified in the notice, it would not preclude the Assistant Election Officer in terms of Sub Rule 1 of Rule 55 to amend or correct the provisional list of voters by introducing therein, the name of the nominee and the voting Society. It was contended that if a narrow interpretation is given to the provisions of Rule 55, there would be many Societies who will be left out from casting their votes during the elections of the Federal Society. As by way of example, learned Advocate argues that there could be situations where the constituent Society may subsequently resolve to change the names of the nominees and inform the Assistant Election Officer at the stage of inviting objections to the list of provisional voters, which may necessitate the corrections of the voters list. It is submitted that such a course, even at

the stage of objections to the provisional list, would not be barred. It was further submitted that “inviting claims, objections, omissions or errors” under Sub Rule 1 of Rule 55 would include submitting a fresh nomination or a nomination even for the first time, if the constituent Society has not submitted such a nomination in answer to the notice of the Federal Society on the first round.

11. Reliance was placed on a Judgment of this Court in *Adiwasi Seva Sahakari Sansthan V/s Hon’ble Collector Gondia District & anr* dated 11.08.2011 in Writ Petition No. 3906/2011.

12. Contesting these submissions, learned Additional Government Advocate Mr. Deep Shirodkar, for the Respondent Nos. 1 and 2 submits that the Rule 55 contemplates corrections of omissions or errors only in respect of the names existing on the provisional list of voters, the list having been created on the receipt of names of nominations from the constituent members of the Federal Society, within time frame given in the notice given by the Federal Society to its members for that purpose. It was further submitted that the reading of Sub Rule 1 of Rule 55 does not contemplate fresh nomination or nominations in substituting of those already submitted to the Federal

Society, in answer to the notice calling for such nominations.

Learned Advocate, referring to the Judgment of this Court in *Adiwasi Seva Sahakari Sanstha* (supra), submitted that the Judgment was passed interpreting Rule 6(5) of the Maharashtra Specified Co-operative Societies Elections to Committee Rules, 1971, which is different from Rule 55 of the Goa Co-operative Societies Rules, 2003. The learned Additional Government Advocate for Respondent Nos. 1 and 2 has specifically taken me through Rule 6 of the said Rules referred to in the Judgment and pointed out that in those Rules, after the provisional list of voters is published for inviting claims of omissions, the Collector is required to consider such claims and give its decision. Even after the finalised list is prepared, Sub Rule 5(6) of the Maharashtra Co-operative Societies Act, 1960 & Rules, 1961 provides that notwithstanding anything contained in Sub Rule 4 (which provides for hearing claims in the first instance), a Society who is desirous of being registered as a voter even thereafter, may apply in writing to the Collector in Form 1A within a period of 15 days of the display of final list of voters under Rule 7 of the said provision. It was submitted that it was in context of the specific Rule that provides for a second round on objections after final list of voters is

published that this Court, in *Adiwasi Seva Sahakari Sanstha* (supra) has held that the claims of the Petitioner in that case ought to be accepted by the Collector.

Considerations:

13. Rule 55 of the Goa Co-operative Societies Rules, 2003 reads as under:

“Claims and objections to the provisional list of voters and the final list of voters. (1) When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of the name or address or other particulars in the list may be brought to the notice of the Registrar in writing by any member of the society concerned who is a voter or any representative authorised to vote on behalf of such society during office hours within 15 days from the date of publication of the provisional list of voters.

(2) The Registrar shall, after making such enquiries as deemed necessary in this behalf consider each claim or objection, and give his decision thereon in writing to the persons concerned within 10 days from the last date prescribed for receiving the claims and objections and such list shall be the final list of voters.

(3) The copies of the final list of voters shall be displayed on the notice board of the Registrar and on the notice board of the office of the Assistant Election Officer and that the society at least seven days before the declaration of the election programme and in no case later than fifteen days from the finalisation of claims and objections.”

14. The scheme of this Rule provides for inviting objections to the existing nominations contained in the provisional list of voters which is published by the Assistant

Election Officer. The provisional list of voters comprises the list of constituent members of the Societies of the Federal Society and the names of the nominees sent to the Federal Society within the time frame specified by the notice given by the Federal Society to that effect. In the present case, the Petitioner failed to provide a name of the nominee to represent it at the election of the Federal Society, even though it has already passed a Resolution to that effect on 03.10.2024. This fact is not disputed, and it is on the basis of the receipt of the nominees of the various constituent Societies of the Federal Society (GSCBL) sent its list of voters to the Assistant Election Officer. This provisional list obviously did not contain the name of the nominee of the Petitioner, since the Resolution dated 03.10.2024 was never sent to Respondent No. 1.

15. It is this list that was published for inviting objections under Rule 55. Sub Rule 1 of Rule 55, on a plain reading, would contemplate objections and claims related to omissions and errors in respect of names already contained in the list. Obviously, this objection would be considered if, the name of the nominee appointed by the Petitioner was omitted by the Federal Society whilst, compiling names of the nominees sent to it, after issuing a first notice. It is only such objections which may be entertained by the Assistant

Election Officer. The Rule does not contemplate submissions of names of nominees, sent for the first time for inclusion into the provisional list of members. In the present case, what the Petitioner has done is that it has submitted for the first time a list of its nominee at the stage of inviting objections under Sub Rule 1 of Rule 55. The objections/claims were an attempt to introduce the nominee of the Petitioner Society, for the first time in the voters list at this stage which is not at all contemplated by Sub Rule 1 of Rule 55.

16. This brings me to the consideration of the Judgment of this Court in *Adiwasi Seva Sahakari Sanstha* (supra) and whether it would be applicable to the facts of the present case.

17. In *Adiwasi Seva Sahakari Sanstha* (supra), this Court has considered the provisions of the Maharashtra Specified Co-operative Societies Elections to Committee Rules, 1971, and whether objections to the final list of voters published under Sub Rule 5 of Rule 6 of the said Rules was permissible. For ready reference, Rule 6 of the Maharashtra Specified Co-operative Societies Elections to Committee Rules, 1971 are reproduced below:

“6. Claims and objections to provisional list of voters.

(1) When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of the name or address or other particulars in the list may be brought to the notice of the Collector by [any member of society concerned who is a voter or any delegate authorised to vote on behalf of such society.]

(2) Every person making a claim or raising an objection shall do so by a separate petition, which shall be presented to the Collector on or before the 31st July, during office hours.

(3) Every claim or objection shall be preferred in writing and state the grounds on which the claim is based or the objection is raised, as the case may be.

(4) The Collector shall, after considering each claim or objection, give his decision thereon in writing to the person concerned before the 10th August and take steps to correct the provisional list wherever necessary. The list as finalised by the Collector after deciding all claims and objections shall be the final list of voters.

(5) Notwithstanding anything contained in sub-rule (4) any person who is a member of the society as on the 30th day of June of the year immediately preceding the year in which such election is due or on such subsequent date as may be fixed by the Collector under sub-rule (1) of Rule 4, and whose name is not included in the final list of voters prepared by the Collector under sub-rule (4) and who is desirous of being registered as a voter may apply in writing to the Collector in Form I-A within a period of fifteen days from the date of display of the final list of voters under Rule 7]

(6) Every such application received by the Collector shall be forwarded by him within three days of the date of receipt by him to the District Deputy Registrar for enquiry. The District Deputy Registrar shall cause an enquiry to be made into the application and submit his report to the Collector along with his recommendations within seven days from the date of receipt of the application by him from the Collector.

(7) The Collector shall after considering the application and the report of the District Deputy Registrar give his decision in writing to the persons concerned, before the first date fixed for making nominations. If the Collector decides that the name of the applicant should be registered as a voter, he shall accordingly modify the list finalised by him earlier under sub-rule (4) and the list so modified shall then be treated as the final list of voters.”

18. In ***Adiwasi Seva Sahakari Sanstha*** (supra), the Petitioner has passed a resolution indicating the name of a delegate of the Society who was a member of the Federal Society in the form provided by Rules, but the same has been furnished a few days after the due date for objections to the provisional list was published. The question answered in that petition was whether a name of the Petitioner’s delegate could be included by raising objections to the final list of voters published by the Collector under Sub Rule 5 of Rule 6 of the said Rules.

19. Perusal of the aforementioned rules would show that the Maharashtra Specified Co-operative Societies Elections to Committee Rules, 1971, provides for two layers for inviting objections, one at the stage of publication of the provisional list of voters, which is provided under Sub Rule 1 and 2 of Rule 6 and a second layer of objections is provided where under Sub Rule 6 of Rule 6,

notwithstanding the contents of Sub Rule 4 which provides for objections to the provisional list, a Society may also object to the final list of voters by supplying a name of nominee that the Society is desirous to nominate as a voter by submitting in form 1A of the Rules. In that case, as held by this Court, form 1A was infact submitted to the Collector within the limitation period provided under Sub Rule 6 of Rule 6 and the same was rejected. this is difference between the scheme of Rule 6 which is somewhat similar to Rule 55 of the Goa Rules.

20. Rule 55 of the Goa Rules provides for a single layer of objections to the provisional list put up by the Assistant Election Officer within a time frame and does not provides like Sub Rule 6 of Rule 6 of the Maharashtra Rules, a second chance to file objections to incorporate names of nominees on the final list. It is this distinguishing feature between the two Rules applicable i.e. the Maharashtra Rules and the Goa Rules and therefore the ratio laid down in *Adiwasi Seva Sahakari Sanstha* (supra), would not be applicable to the facts of the case at hand, where Rule 55 provides objections to the provisional list and not to the final list.

21. For all these reasons stated above, the challenge to the impugned order cannot be sustained, and Writ Petition No. 298/2025 is therefore rejected with no order as to costs.

22. The Writ Petition stands disposed of.

VALMIKI MENEZES, J.