

Gitalaxmi

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

WRIT PETITION NO. 2007 OF 2025

Prashant Ganpatrao Patil & Ors.	... Petitioners
V/s.	
State Co-op. Election Authority, Maharashtra Through its Chief Executive Officer & Ors.	... Respondents

Mr. S. S. Patwardhan i/b Ms. Mrinal A. Shelar, Adv. for
the Petitioners.

Ms. Sulbha Chipade, A.G.P. for the State-Respondent
Nos. 1 & 2.

Mr. Shailendra S. Kanetkar, Adv. for Respondent No. 3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 18, 2025

P.C.:

1. Challenge in this Petition is to an order passed by an Election Officer in exercise of the powers under Rule 11 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014.
2. Though the judgment in the case of ***Dhondiba Lakade vs. State of Maharashtra***¹ was rendered interpreting the provisions of Maharashtra Co-operative Societies Act, 1960, the language and scheme of Rules 8 to 11 of New Rules are similar to the said Rules. Hence, the judgment rendered by the Division Bench of this Court in the case of ***Dhondiba Lakade*** (*supra*) is still applies. The Division Bench has held that the power of such Election Officer is

¹ 1979 Mh.L.J. 311.

microscopic to correct arithmetical or clerical error. The objection raised by the Petitioners is in relation to the eligibility of the members, which is beyond purview of the Election Officer's powers. Hence, the Election Officer has rightly rebutted the objection, however it can be open for the Petitioners to raise all the issues in relation to the eligibility of the members in a dispute under Section 91 of the said Act.

3. With this observation, the Petition stands disposed of accordingly.

(AMIT BORKAR, J.)

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KRISHNA
KOTAWADEKAR

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