

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2382 OF 2025**

Rohan Hanumant Devkate .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION (ST) NO.8062 OF 2025
IN
WRIT PETITION NO.2382 OF 2025**

Harishchandra Sadashiv Jarad & Applicants
Anr.

In the matter between :-

Rohan Hanumant Devkate .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

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Mr.Rushikesh C. Barge for the Petitioner.

Mr.Kishor Patil i/b Mr.Vijay Killedar for the Applicant in
IAST/8062/25.

Mr.O.A.Chandurkar, Additional Government Pleader with
Mr.S.P.Kamble, A.G.P. for the State/Respondent No.1.

Mr.Deelip Patil Bankar, Senior Advocate i/b Mr.Dilip Bodke for
the Respondent Nos.2 and 4.

Mr.P.K.Dhakephalkar, Senior Advocate (through VC) with
Mr.Jagdish G. Aradwad (Reddy) with Mr.Abhijit Patil for the
Respondent No.5.

**CORAM: ALOK ARADHE, C.J. &
BHARATI DANGRE, J.
DATED : 06th MARCH, 2025**

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ORDER (PER BHARATI DANGRE, J.):

1. On 21/02/2025, the following order is passed.

“1. In this petition, the petitioner has assailed the validity of the corrigendum dated 14th February 2025 issued by Regional Joint Director of Sugar, Pune Division, Pune by which the cut-off date mentioned in the Notification issued by the State Cooperative Election Authority, Maharashtra State, Pune has been altered from 1st January 2025 to 26th February 2025.

2. Learned Counsel for the petitioner submits that in view of proviso to Rule 9(1) of the Maharashtra Co-operative Societies (Election to Committee) Rules 2014, the State Cooperative Election Authority alone has jurisdiction to either prescribe the cut-off-date or alter the same. However, the aforesaid power has been exercised by the Regional Joint Director (Sugar), Pune Division, Pune.”

2. Pursuant to the said order, on 05/03/2025, the Regional Joint Director (Sugar), Pune Division, Pune and District Co-Operative Election Officer, on behalf of Respondent No.2, filed an affidavit, where he has categorically deposed that in the wake of the Assembly Elections in the State, State Government of Maharashtra stayed all the elections for Co-operative Societies for all the classes till 31/12/2024. As a consequence, the election of Malegaon Sahakari Sakhar Karkhana Ltd. was also postponed.

3. The State Co-operative Election Authority issued an order dated 03/01/2025, directing to conduct elections for co-operative societies, including the Sugar Factory and, accordingly, direction was issued to Malegaon Sahakari Sakhar Karkhana Ltd. to submit provisional voter list with

cut-off date 01/01/2025, but Malegaon Sahakari Sakhar Karkhana Ltd., submitted provisional voter list on 13/01/2025, holding cut-off date as 26/02/2025.

4. In paragraph 8, the following statement is made :-

“8. As per MCS (Election to committee) rules 2014 rule 6 (1) provisional voter list of members shall be prepared by every society in the year in which the election of such society is due to be held. The member who has completed minimum two years of membership from the date of his enrolment up to the date of expiry of term of existing committee is eligible for voting. In case of Malegaon Sahakari Sakhar Karkhana Ltd., Members who have enrolled on 26/02/2023 completed two years of their membership on 26/02/2025. The term of existing committee of Malegaon Sahakari Sakhar Karkhana expires on 26/02/25. As per Sub Section 3(A) of Section 27 of MCS ACT 1960 individual member of a society shall not be eligible for voting in the affairs of that society for a period of two years from the date of his enrolment as a member of such society. Sub section 2 of election rules 6 provide that the period of two years of eligibility for voting as in subsection (3A) of section 27 of the ACT is to be counted from the date of enrolment of the member to the date when election of the managing committee of the society becomes due.”

5. The deponent of the affidavit also state that on 14/02/2025, Malegaon Sahakari Sakhar Karkhana Ltd. addressed a letter to the Regional Joint Director (Sugar) Pune/DCEO office, asking for correction in the cut-off date for eligibility of voters from 01/01/2025 to 26/02/2025, as 351 members of the sugar factory will lose their statutory right of voting, as the date of expiry of term of existing committee is 26/02/2025.

Considering this request, a letter was addressed to the State Co-operative Election Authority M.S. Pune, seeking guidance and a response was received on 14/02/2025 instructing to act in accordance with Rule 9(1) of the MCS (Election to Committee) Rules, 2014 and sub-section 3(A) and 3 of Section 27 of the MCS Act.

In the wake of this, the deponent of the affidavit issued a corrigendum and by correcting the cut-off date. A further clarification offered in the affidavit is to the following effect :-

“13. There is no alteration of cut-off date. Only order dated 11/02/2025 is corrected. It may affect who are not eligible as per cut off date 01/01/2025. But it would have affected the voting rights of members who are eligible as per cut off date of 26/02/2025. They would have lost their right to vote as the date of their enrolments as member is 26/02/2023 and completed tenure of two years as member on 26/02/2025 which is the date of expiry of terms of existing committee. It is correct and legal. The last date for finalizing of voter list was 17/02/2025. Corrigendum is issued on the 14/02/2025. So now no eligible member of Malegaon Sugar Factory will lose the right to vote in the election of Malegaon Sugar Factory.”

6. We have perused the affidavit and we find that correct rectification is done by the Election Authority and, since, it was well within its power to correct the error that had crept in, we find no illegality in correcting the date. In any case, once the election process is started, the scope for our interference is limited. Hence, the Writ Petition is dismissed.

In view of the dismissal of the Petition, nothing survives in the Interim Application and the same is also disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)