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

WRIT PETITION NO. 12080 OF 2025

Vinod Verma and ors ... Petitioners

V/s.

The State of Maharashtra thr. Its
Secretary Ministry of Co-operation and
ors ... Respondents

Adv. Sudhanva Bedekar a/w Adv. Atharva Date, Adv.
Swapnil Shanbagh, Adv. Mohammed Nagmi for the
Petitioners.

Mr. Vinod Verma – Petitioner no.1 is present.

Mr. A.C. Bhadang, AGP for State – respondent nos.1 &
2.

Sr. Adv. Girish Godbole a/w Adv. V.S. Kapse, Adv. Kunal
Rane a/w Adv. Tejaswi Salvi for respondent no.3.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 26, 2025

P.C.:

1. The present petition is filed by members of the Managing Committee who stand disqualified by an order passed under Section 75(5) of the Maharashtra Cooperative Societies Act, 1960 (for short, “MCS Act”). The ground of challenge is that their election took place on 27 July 2025, whereas the disqualification order is founded upon proceedings of the Annual General Meeting (AGM) which was held prior to their election. According to the petitioners, such disqualification, based on events anterior to their

election, is legally impermissible.

2. Learned counsel for the petitioners placed reliance on the judgment of this Court in *Kailash Maheswari vs. State of Maharashtra* (Writ Petition No. 10587 of 2025). In paragraph 51 of that judgment, this Court has laid down guiding principles for examining the legality of disqualification under Section 75(5).

3. Having considered the rival contentions and the legal position, I am of the opinion that the petitioners are not left remediless. The Act itself provides an efficacious statutory remedy of appeal under Section 152 of the MCS Act. It would therefore be proper to relegate the petitioners to avail that remedy. At the same time, it cannot be overlooked that unless interim protection is granted, the very object of the appeal would be rendered illusory. The balance of convenience requires that the petitioners be safeguarded during pendency of their appeal.

4. Hence, to balance both sides, I pass the following order:

(a) The operation of the order passed under Section 75(5) and the consequential order passed under Section 77A by respondent no. 2 dated 12 September 2025 shall remain stayed during the pendency of the appeal and for a further period of eight weeks thereafter.

(b) The Appellate and Revisional Authority shall decide appeal and revision within a period of three months from date of its filing.

(AMIT BORKAR, J.)