



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 483 of 2023

[Naresh Deoraoji Dhongde and ors. ..vs.. Assistant Registrar, Cooperative Societies (Dairy), Warhda and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. V. Ghare, Advocate for the petitioners
Mr. H. R. Dhumale, AGP for respondent no. 1
Mr. S. S. Ghate, Advocate for respondent no. 2
Mr. S. K. Tambde, Advocate for respondent nos. 3 to 5
Mr. J. R. Kidilay, Advocate for respondent no. 6

CORAM : ANIL L. PANSARE J.

DATED : 24-04-2025

On 26-3-2025, following order was passed.

“Heard for some time.

2] *The learned Counsel for the petitioners has invited my attention to Rule 66 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (for short “Rules of 2014”). It provides for disqualification of a Member of the Committee for failure to lodge account of election expenses. Clause (b) of sub-rule (1) of Rule 66, however, provides that if the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer, is satisfied that the person has no good reason or justification for failure to submit the account, the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer, shall submit report to the Registrar, and after receipt of such report, the Registrar shall provide opportunity of hearing before passing order of disqualification.*

3] *The argument is that in the present case, the Taluka Election Officer has not submitted report to the Registrar, and further, opportunity of hearing was not granted by the Registrar. In fact, the learned Counsel for the petitioners argued that the Taluka Election Officer himself has passed order of disqualification.*

4] *As such, Section 3 of the Maharashtra Co-operative Societies Act, 1960 (for short “Act of 1960”), provides that*

the State Government may, by general or special order, confer on the persons appointed to assist the Registrar, the powers of Registrar. However, in the reply filed by the learned A.G.P., this aspect has been not covered.

5] The learned A.G.P shall accordingly place on record the powers delegated to respondent no.1 – Assistant Registrar, in terms of Section 3 or otherwise of the Act of 1960 for the purpose of exercising powers under Rule 66 of the Rules of 2014.

6] The learned A.G.P shall file additional affidavit within two weeks from today. Copy of same be served on the other side well in advance. Reply, if any, to the affidavit, shall be filed within one week thereafter.

7] List in the week commencing from 21/4/2025.

8] In the meantime, the petitioners shall correct the pagination.

9] Interim relief to continue till next date.”

As could be seen, this Court referred to Rule 66 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (for short “the Rules of 2014”). It provides under clause (b) of sub-rule (1) that if the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer, is satisfied that a person has without good reason or justification failed to lodge the account of election expenses within stipulated time, the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer, as the case may be, shall submit report to the Registrar.

2. The question here is whether the officer named in Rule 66 has submitted report to the Registrar.

3. Having gone through the record and having heard both sides, it appears that the report is submitted by the returning officer to the Assistant Registrar whereas the report ought to have been submitted by the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer.

4. Learned Assistant Government Pleader submits that respondent no. 1 is appointed as the District Co-operative Election Officer vide order dated 10-10-2014. If that be so, it is for the respondent no. 1 to submit report to the Registrar. Instead, respondent no. 1 himself has passed order of disqualification, which apparently is order contrary to Rule 66(1)(b) of the Rules of 2014 and is, thus, not sustainable.

5. Writ petition is accordingly allowed. Order dated 10-1-2023 passed by respondent no. 1 in Case No. 01/2022 is quashed and set aside.

6. The respondents, however, are at liberty to take appropriate action as permissible under the provisions of the Maharashtra Co-operative Societies Act, 1960 and the Rules of 2014, if there is no other legal impediment.

7. Writ petition is disposed of in above terms with no order as to costs.

(Anil L. Pansare, J.)