



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1051/2025

Mohan Damodhar Wasnik .Vs. The State of Maharashtra 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. R. M. Bhangde, Advocate for petitioner.
Ms M. Naik, A.G.P for respondent Nos. 1 and 3.

CORAM : **ANIL L. PANSARE, J.**

DATE : **FEBRUARY 26, 2025**

Heard.

2. The petitioner's nomination has been rejected by respondent No.2- Returning Officer/District Deputy Registrar, Cooperative Societies, Tumsar, District Bhandara vide order dated 10.02.2025. The decision of respondent No.2 was assailed before respondent No.3 – Assistant Registrar Cooperative Societies, Bhandara in appeal filed under Section 152 A (1) of the Maharashtra Cooperative Societies Act, 1960, which came to be dismissed. The reason assigned by both the authorities is that the petitioner has committed default in repayment of loan.

3. Counsel for the petitioner has invited my attention to Rule 25 of the Maharashtra State Cooperative Societies (Election to Committee) Rules, 2014, which provides for scrutiny of nomination papers. Sub Rule (5) of the Rule 25 provides that Returning Officer shall hold scrutiny on the date appointed in this behalf and in case any objection is raised by Returning Officer or by any other person, the candidate concerned may be allowed time to rebut it not later than the next date before publication of list of valid nominations. Argument is that opportunity to rebut the objection raised by respondent No.4 was not given.

4. The authorities below were of the view that since there is evidence enough to show that the petitioner has committed default in repayment of loan, he is not entitled for contesting election.

5. The crucial question is whether the petitioner has committed default. The answer would be certainly in the affirmative, for the reasons to follow.

6. The petitioner had challenged the decision of respondent No.2. The petitioner, however, admits that he failed to pay installments within stipulated time. Learned A.G.P. has invited my attention to communication dated 20.02.2025 addressed to respondent No.3, by petitioner stating therein that the petitioner was not aware of the Rules and, therefore, is in arrears of loan and could not repay loan within stipulated time. Thus, if not before respondent No.2, the petitioner had an opportunity to rebut the objection before respondent No.3, which he failed to do.

7. At this stage, counsel for the petitioner submits that the aforesaid defect is curable defect and the petitioner ought to have allowed to cure the same. If what has been stated by the counsel is correct, he ought to have first cured the defect and approached respondent No.3 for appropriate orders. He has not paid loan till today.

8. That being so, it is evident that petitioner has committed default and, therefore, is not entitled to contest election in terms of Section 73CA of the Maharashtra Cooperative Societies Act, 1960. There is, thus, no merit in the petition. The petition is dismissed in limine. No order as to costs.

(Anil L. Pansare, J.)