



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

CIVIL APPLICATION (CAW) NO.1123/2025

IN

WRIT PETITION NO.7954/2017

(Gondia District Central Cooperative Bank Limited, Gondia Vs. The State of Maharashtra and others)

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

Court's or Judge's orders

Mr. A.M Ghare, Advocate for the petitioner.
Ms. D.I. Charlewar, A.G.P. for respondent Nos.1 and 2.
Mr. R.L. Khapre, Senior Advocate with Mr. H.S. Chitaley, Advocate for respondent
No.3/applicant.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 17.5.2025.

Heard.

2. The instant application is filed with following prayers:-

“(A) Vacate the interim relief granted by this Hon’ble Court vide order dated 24.10.2018 and direct the Respondent No.2 to decide in a time bound manner, the objections of the Respondent No.2 raised through the Misc. Application No.17 of 2015 by granting to the Respondent No.3 an opportunity of hearing.

OR IN THE ALTERNATIVE

(B) During the pendency and final disposal of the instant Writ Petition, stay the further election process in respect of the elections to the Petitioner Bank for the period from 2025-2030 and further be pleased to direct the Respondent No.2 not to finalize the preliminary voters list published on 15.04.2025.

(c)

(D)”

3. The petitioner bank has filed the present petition which is admitted by this Court on 24.10.2018 and stay is granted. In the

present petition, the challenge is to the newly granted membership of the respondent Nos.4 to 97 in contravention of various laws in force.

4. It is the contention of the applicant/respondent No.3 that the petitioner bank contrary to the directions of the Reserve Bank of India and to circumvent the prohibition illegally amended the bye-laws of the Society and removed restriction of enrolling the individuals as members by passing the resolution. The individual members have been enrolled in complete contravention of the directions issued by the Reserve Bank of India and inconsistent to the stand of the petitioner bank before this Court. It was challenged before the Joint Registrar of Co-operative Societies, Nagpur by an application under Sections 11, 25, 25(a) and Section 79 of the Maharashtra Co-operative Societies Act but the said application was rejected by the Joint Registrar on technicalities and was not considered and decided on merits. The Joint Registrar by an order dated 9.9.2016 rejected the application filed by the respondent No.3. The said order was challenged by the respondent No.3 before the respondent No.1 under Section 154 of the Maharashtra Co-operative Societies Act. The Hon'ble Minister considered the challenge and allowed the revision preferred by respondent No.3 on 27.7.2017 and directed the respondent No.2 to decide on merits the application of petitioner afresh by hearing all the concerned parties. The said order is challenged before this Court in the present writ petition.

This Court vide order dated 24.10.2018 has admitted the writ petition and granted interim relief thereby staying the proceedings before the respondent No.2.

5. Now, the respondent No.3 has filed this application to vacate the said stay order or in the alternative to stay the elections.

6. The applicant/respondent No.3 has submitted that he was not aware about the stay granted in the writ petition as he has not received notice regarding the proceedings after remand from respondent No.1 and was not informed by his Advocate. It is submitted by the learned Senior Advocate for the respondent No.3 that while issue of membership is *sub judice*, the respondent No.2 has proceeded to include the names of illegally inducted members in the preliminary voters' list. The respondent No.3 has objected to it before the respondent No.2 and requested not to finalize the voters' list and conduct the elections of the petitioner bank by including illegally inducted members as voters. The induction of the members and validity of their membership goes to the root of entitlement of their membership and the validity of the elections as the proceedings before the respondent No.2 is likely to have an impact on the proposed election. Therefore, it is necessary to decide the proceedings in relation to the membership first before holding any election to the petitioner bank. Hence applicant/respondent No.3 has prayed to vacate the interim stay granted by this Court.

7. Learned Advocate for the petitioner has submitted that the stand taken by the applicant/respondent No.3 that he was not aware about the stay granted in the writ petition is not correct. The matter is admitted after hearing all the parties. The stay is operating since last seven years and no steps are taken by the applicant/respondent No.3 for getting the stay vacated. There is no change in the circumstances for filing the present application.

8. According to the petitioner/non-applicant, respondent Nos.4 to 97 are legal and valid members of the petitioner bank for more than decade and the applicant/respondent No.3 had raised an objection regarding inclusion of their names in the provisional voters' list, however, that objection is rejected by the Divisional Joint Registrar, Nagpur by order dated 6.5.2025. Final voters' list is also published on 9.5.2025. These orders are not challenged. The validity of the election is not subject matter of dispute in the present writ petition. Hence seeking vacation of stay or to postpone the election process is nothing but an abuse of process of law. Hence it is prayed to reject application.

9. The respondent No.3 has moved this application before the vacation Court. The election programme is already declared. It is an admitted fact that the applicant/respondent No.3 had raised objection to the provisional voters' list which was rejected and the final voters' list is also published. At this stage, in the writ petition, which is already admitted and pending since last more than seven years and the stay is operating to the order in revision that too in the remanded matter, the vacation of stay does not warrant. For vacating the stay it requires to go into the merits of the matter. As the matter is already admitted and pending before this Court, the applicant/respondent No.3 can move before the regular Court for final disposal of the present petition. Hence interference, at this stage, is not warranted. The application is, therefore, rejected. No costs.

(MRS.VRUSHALI V.JOSHI, J.)