IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12606 OF 2026

Popatrao Baburao Jadhav
Age : 64 yars, Occu : Agriculture,
R/o: Khokar, Taluka Shrirampur,
District, Ahilyanagar ….Petitioner

VERSUS

1. The Secretary,
Maharashtra State Cooperative Election
Authority, Pune, Maharashtra State.
2. The Divisional Joint Registrar, Co-operative
Societies, Nashik Region, Nashik.
3. The District Co-operative Election Officer
District Deputy Registrar, Co-operative
Societies, Ahilyanagar.
4. The Assistant Registrar, Co-operative Societies,
Shrirampur, Tq: Shrirampur,
District: Ahilyanagar.
5. Khokar Vividh Karyakari Seva Sahakari Society
Limited, Khokar, Taluka: Shrirampur,
District: Ahilyanagar. Through its Secretary.
6. Sonali Gyaneshwar Kale,
Age ___years, Occu:
R/o: Khokar, Taluka: Shrirampur,
District: Ahilyanagar.
7. The Ahmednagar District Central Co-operative
Bank Limited, Ahilyanagar, Through its
Managing Director/Chief Executive Officer ….Respondents

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Adv.A.B. Kale for the Petitioner.
Adv.V.H. Dighe for Respondent Nos.1 and 3.
Adv.V.B. Jagtap for Respondent No.5.
Adv.S.S. Gangakhedkar for Respondent No.6
Ms.Vaishali Chaudhari, AGO for Respondent Nos.2 and 4.

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CORAM : MANJUSHA DESHPANDE, J.

RESERVED ON : 30.10.2026
PRONOUNCED ON : 03.11.2026

JUDGMENT :

1. The Petitioner in this Writ Petition raises challenge to the order dated 10.09.2026 passed by the District Co-operative Election Officer and Divisional Joint Registrar, Co-operative Societies, Nashik in exercise of its powers under Rule 11 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (hereinafter referred as 'Election Rules, 2014').

2. The learned Advocate, Mr.Kale, appearing for the Petitioner submitted that the Petitioner, who is an agriculturist by profession and member of Respondent No.5/Society, is also a Director of the said society. He submits that the State Co-operative Election Authority published the election programme for the election of Board of Directors of Respondent No.7/Ahmednagar District Central Co-operative Bank Limited for the period 2026-2031. A programme for finalisation of voters' list was issued by Respondent No.2 on 15.06.2026. Respondent No.5/Society convened a meeting on 09.07.2026 without giving any intimation to the Petitioner, who is one of the Directors, and passed a resolution nominating Respondent No.6, one 'Sonali Gyaneshwar Kale', as its representative to the election of Respondent No.7/Bank. The resolution passed in the said meeting is illegal, arbitrary and void *ab initio*. He submitted that since the Petitioner was in dispute with the society, he had no access to the day-to-day functioning of Respondent No.5/Society. He filed a complaint

to Respondent No.4/Assistant Registrar Co-operative Societies, Shrirampur, complaining that he was not being served with notices of the society's monthly meetings and was not apprised of the agenda of such meetings. On 27.04.2026, the Assistant Registrar directed Respondent No.5/Society to take appropriate action in the matter and submit a report. In spite of the directions, Respondent No.5 continued to exclude the Petitioner from the society's affairs. He submits that Respondent No.7/Bank published a provisional voters' list for the election of its Board of Directors. In the said list, the name of Respondent No.6/Sonali Gyaneshwar Kale was included as the representative of Respondent No.5/Society, which, according to the Petitioner, is illegal and arbitrary, and also contrary to circular dated 16.06.2026 and provisions of the Maharashtra Co-operative Societies Act, 1960. The Petitioner, therefore, being aggrieved by the inclusion of name of Respondent No.6, has filed objection application under Rule 11 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014. He submits that specific grounds have been made out by him in his objection. He has raised objection on the ground that the meeting dated 09.07.2026 and the resolution nominating Respondent No.6 are illegal, and since without giving notice to the Petitioner, the resolution was passed. The objection to the nomination of Respondent No.6 was also raised on the ground that she is not a validly nominated representative and her name is liable to be excluded from the voters' list.

3. Mr.Kale further submits that the nomination of Respondent No.6 as representative of Respondent No.5 suffers from disqualification on the ground that she is a ‘defaulter’ of Respondent No.5/Society. He submits that on 10.07.2026, a list of beneficiaries under the loan waiver scheme was published. In the said list, name of Respondent No.6 appears at Serial No.101466121680, showing her to be a defaulter of Respondent No.5/Society with an outstanding loan amount of Rs.1,80,302/- as on 31.03.2026 in Loan Account No.001110309002773. Thus, in view of the fact that Respondent No.6 is a ‘defaulter’ of Respondent No.5/Society, she is not eligible to be nominated as representative of the society. He further submits that this information was not available to him, therefore, he could not raise specific challenge on this ground before Respondent No.2 prior to passing of the impugned order. The aforementioned information about the default incurred by Respondent No.5 came to his knowledge only when the name of Respondent No.6 appeared in the list of persons whose loan has been waived by the Government. He would submit that Respondent No.5/Society itself is a ‘defaulter’ of Respondent No.7/Bank. On that count also, Respondent No.5/Society cannot vote in the elections of Respondent No.7/Bank. He, therefore, submitted that the order passed by Respondent No.2/District Co-operative Election Officer, which does not take into consideration the objection raised by the Petitioner which are supported by the documents placed on record, is an arbitrary order

which does not record any reasons, as such deserves to be quashed and set aside.

4. Per contra, the learned Advocate, Mr.Gangakhedkar appearing for the contesting Respondent No.6 submitted that the submissions of the Petitioner are under misconception of fact as well as under the law. He submitted that the act of declaring a voter as a 'defaulter' requires detailed adjudication on account of eligibility of the voter to act as a voter in the representative capacity. This aspect about determination of eligibility to act as a voter cannot be gone into in absence of appropriate evidence and without giving an adequate opportunity of being heard to both the sides. This view has been recently taken by the Hon'ble Supreme Court in its order dated 16.10.2026. Thus, whether or not Respondent No.6 can be branded as a 'defaulter' which disentitles her to cast vote in the election of Federal Society would require to be proved by leading evidence. He further submits that before Respondent No.3, in the objection raised by the Petitioner, no evidence was produced in support of the claim that Respondent No.6 is a 'defaulter'. Therefore, in absence of any specific and direct material to that effect, merely on the basis of allegations against the Petitioner, Respondent No.3 cannot pass any order on the issue of disqualification. He further submitted that the resolution and proposal based upon the resolution cannot be questioned by way of an objection, as is done by the

Petitioner. The only remedy available against such resolution lies elsewhere and not in the form of the action adopted by the Petitioner. He submits that the name of Respondent No.6 is approved by the majority of the Managing Committee members. Thus, the objection raised by the Petitioner for the first time in the present Writ Petition while raising challenge to the order passed by Respondent No.3 cannot be entertained.

5. The learned Advocate, Mr.Dighe for Respondent Nos.1 to 3 submitted that, the Petitioner has raised several disputed questions of facts, which cannot be gone into by Respondent No.3 as well as by this Court. The Petitioner is having alternate statutory remedy as provided under Section 91 of the Maharashtra Co-operative Societies Act, 1960 read with the provisions of Rule 78 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 by filing dispute after the election is over. He further submitted that the election programme of Respondent No.7 is already declared and as per the said programme, the polling is about to take place on 02.11.2026. He further submitted that as per the resolution passed by Respondent No.5/Society, the name of Respondent No.6 is included in the voters' list, which is already finalised on 15.09.2026. He further submitted that in view of Section 73 C A(1)(f)(ii) of the Maharashtra Co-operative Societies Act, 1960, Respondent No.6 is not a defaulter of Respondent No.5/Society, therefore, her delegation by Respondent No.5 is legal and proper. Accordingly, the

objection of the Petitioner has been decided by a reasoned order on 10.09.2026, which does not deserve any interference.

6. After hearing the respective Advocates and going through the documents placed on record, the Petitioner appears to have a twofold grievance. One is regarding his personal capacity, where he has suffered a disqualification from the post of Director of Respondent No.5/Society under Section 73-A of the Maharashtra Co-operative Societies Act, and the other is against the nomination of Respondent No.6 to be a representative of Respondent No.5/Society.

7. On perusal of the objection filed by the Petitioner before Respondent No.3, it appears that there is no date mentioned on the objection Application No.18 of 2026 annexed to the Writ Petition. The Applicant has raised objection on the ground that Respondent No.6 has availed loan of an amount of Rs.1,80,302/-, which has not been repaid, thus she is a defaulter as she had not cleared the dues. He has alleged that the aforementioned information has been suppressed by the society as well as the Secretary of the society. Since the resolution is passed by the society and name of Respondent No.6 is forwarded by suppressing the fact of her default in repayment of loan, the name of Respondent No.6 is required to be deleted from the voters' list. Even though he has filed the objection, he has not supported the objection by any documents.

Respondent No.6 has filed her say to the objection raised by the Petitioner. In her say, she has stated that Respondent No.5/Society is in default in making repayment of the loan to Respondent No.7/Bank, therefore, as per the provisions of Maharashtra Co-operative Societies Act, it was necessary to send a name of a member who is not a defaulter, hence her name has been forwarded to be included in the voters' list.

8. Upon going through the impugned order, after recording the submissions of the respective parties, Respondent No.3 has taken into consideration the report of the Assistant Registrar, Co-operative Societies, Shrirampur. In the said report, it is stated by the Assistant Registrar, Shrirampur that Respondent No.5/Society is defaulter of Respondent No.7/Bank. In the Managing Committee of Respondent No.5/Society, in the meeting held on 09.07.2026, by way of Resolution No.2, the name of Respondent No.6, who is member of the society, has been proposed. Respondent No.6 is not a Director or member of the Managing Committee and there is no document provided by the Petitioner in support of his contention that Respondent No.6 is a 'defaulter'. Therefore, Respondent No.6 is qualified to be a valid voter on behalf of Respondent No.5/Society, particularly in view of Section 73 CA(1)(f)(ii). Based on the report of the Assistant Registrar, Co-operative Societies, Shrirampur, and after considering the objection raised by the Petitioner, which was not supported by any document to demonstrate that Respondent No.6 is a

defaulter, Respondent No.3 has passed an order holding that the nomination of Respondent No.6 is in accordance with Section 73 CA(1)(f)(ii) and she does not incur any disqualification.

9. The Petitioner himself has conceded to the position that the objection has been filed, without any document showing that Respondent No.6 is in default of Respondent No.5/Society. These documents have been produced for the first time before this Court. Respondent No.3 did not have an opportunity to appreciate the documents that have been placed on record for the first time before this Court. The report of the Assistant Registrar as well as the affidavit filed by Respondent No.3 support the case of Respondent No.6, stating that there is no proof for declaring Respondent No.6 as a defaulter. The document that has been produced for the first time before this Court has to be proved by leading evidence, which cannot be done in the present proceedings. Even otherwise, the date for polling in the elections of Respondent No.7/Bank is scheduled on 02.11.2026. The voters' list was already finalised on 15.09.2026. Thus, at this belated stage, it would not be appropriate to interfere with the voters' list, thereby depriving Respondent No.5/Society of its right of casting vote in the election of Respondent No.7/Bank. Even otherwise, the documents that have been placed on record raise disputed questions of facts. Though the Petitioner on the basis of this document is claiming that Respondent No.6 is a defaulter, the learned Advocate for

Respondent No.7/Bank disputes the same and submits that Respondent No.6 is not a defaulter at all.

10. Since Respondent No. 6 is nominated to cast her vote in the representative capacity, she would be governed by Section 73 CA(1)(f)(ii) of the Maharashtra Co-operative Societies Act. Only in two circumstances as stated in sub-clause (ii), a person can incur a disqualification: first, if a person is a defaulter of the society whom he represents, or is an office-bearer of the defaulting society. In the present case, Respondent No.6 is not an office-bearer of the society. Though it is claimed that she is a defaulter of the Primary Agricultural Credit Cooperative Society, it has not been proved by producing any evidence before Respondent No.3. It is for the first time in the present Writ Petition a document is produced, which is disputed by the Respondent.

11. Thus, in this view of the matter, considering the disputed question of facts raised by the Petitioner, the objection raised cannot be taken into consideration and the order passed by Respondent No.3 cannot be interfered with. Thus, in view of the disputed questions of fact raised in the present Writ Petition, the Writ Petition is not capable of being entertained. Respondent No.3 has rightly passed an order based on the documents and the report submitted by the Assistant Registrar, Cooperative Societies, Shrirampur. In view of the same, no interference is

called for and the Writ Petition is dismissed being devoid of merits. However, it is made clear that if at all the Petitioner proposes to agitate the issue of Respondent No.6 being a defaulter by raising a dispute, he is at liberty to do so.

[MANJUSHA DESHPANDE, J.]