



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5199 OF 2026

Arjunrao Baburao Gadhe And Another

VERSUS

The State Of Maharashtra Thr Secretary And Others

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Advocate for Petitioners : Mr. N.B. Khandare Senior Advocate
I/b Mr. A.T. Ghute

GP for Respondents: Mr. A.B. Girase

Advocate for Respondent 5 : Mr. Kadam S.K.

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : May 08, 2026

FINAL ORDER :-

1. Present writ petition takes exception to the order dated 27.4.2026 passed by Respondent No.2/the Divisional Joint Registrar, Cooperative Societies, Chhatrapati Sambhajinagar, thereby, appointing Authorized Officer, i.e. respondent no.3 on respondent No.4 Bank. Petitioner further seeks directions against respondent nos.1, 2 and 5 to complete entire election process of election of Managing Committee of Respondent No.4 Bank within the stipulated period as per the programme published on 27.4.2026.

2. Petitioners are members of the Primary Agriculture Cooperative Credit Societies. The Credit Societies are

members of Aurangabad District Central Cooperative Bank (for short “DCC Bank”). Petitioners were declared as elected vide notification issued on 24.3.2021 as members of Managing Committee of DCC Bank. On 21.3.2026 term of the Committee expired. On 9.9.2025, Managing Committee passed resolution no.27 to inform respondent no.5 election authority regarding expiry of Term and deposit of election funds. However, elections of co-operative societies were postponed by the Government up to 31.10.2025. On 4.3.2026 Divisional Joint Registrar/respondent no.2 informed the DCC Bank to deposit election funds of Rs.5.00 Lakhs with the authority. On 21.4.2026, DCC Bank submitted provisional voters list of members of Society and Individual Members to Divisional Joint Registrar. The process for preparing and publication of final voters list is already started and final voters list is proposed to be published on 21.5.2026.

3. At this stage, respondent no.2 exercised powers under section 77-A of the Maharashtra Cooperative Societies Act, 1960 thereby appointed Authorized Officer on DCC Bank vide order dated 27.4.2026, which is impugned in this writ petition.

4. Mr. Khandare, learned Senior advocate i/b Mr. Ghute, appearing for the petitioners submits that section 73-I provides for responsibilities of the Committee. The Committee is under obligation to intimate to State Co-operative Election Authority for holding of its elections before expiry of its term. Sub clause (2) of Section 73-I provides that where there is willful failure on the part of the committee to intimate to the State Cooperative Election Authority as required under sub-section (1) for holding of its elections, then, Members of the Committee shall ceased to hold their office and in such situation, the Registrar is empowered to take action as contemplated under section 77-A, which would follow appointment of the Authorized Officer, who has to take further steps for holding of elections.

5. According to Mr. Khandare, in the present case, the Committee had taken all such steps. They are not responsible for protracting elections. In this backdrop, respondent no.2 erroneously exercised powers under section 77-A, particularly, without publishing a notice on notice board of the Society inviting objections and suggestions with respect of the proposed order. He points out that impugned order nowhere records reason as to satisfaction of Registrar that immediate

action is required to be taken or that it was not possible or practical to publish the notice inviting objections or suggestions before proposed action of appointing Authorized Officer. He would therefore, urge that impugned action was unwarranted so also it is vitiated for want of observance of procedure contemplated before such action.

6. Per contra, Mr. A.B Girase, learned Government Pleader appearing for respondent/State justifies the impugned order. He submits that section 73-AAA (3) of the Act provides that term of office of elected members of the Committee shall be five years from the date of election and on expiry of term of the Committee, the members shall be deemed to have vacated their office as members of the Committee.

7. In the present case, term of the Committee is expired on 21.3.2026. In view of statutory fiction, members of the Committee are deemed to have vacated their office. Petitioners can neither claim right to continue in office nor can they object action of appointment of authorized officer. Mr. Girase, brings to the notice of this Court the Maharashtra Act No.XX of 2026 whereby amendment is introduced in Section 73AAA-(3).

At this stage, it would be appropriate to refer section 73-AAA

(3) with proviso appended thereto, which reads thus :-

Sub-Section (3) Section 73-AAA in The Maharashtra Co-Operative Societies Act, 1960

(3). The term of the office of the elected members of the committee and its office bearers shall be five years from the date of election and the term of the office bearers shall be co-terminus with the term of the committee [and on the expiry of the term of the committee, the members shall be deemed to have vacated their offices as members of the committee]

Provided that : If the term of office of the elected members of the Committee and its office bearers has expired, and if the election to the Committee of the Society could not be held due to the orders issued by the Government, from time to time, or any reason not attributable to the members of the Committee of the Society, such members and office bearers of the Committee shall be deemed to have continued as members and office bearers of the Committee till new Committee is duly constituted.

Provided further that, if the election to the Committee of the Society could not be held for any reason not attributable to the members of the Committee of such society the existing members of the Committee shall be deemed to have continued till new Committee is duly constituted.”

8. Amendment introduced vide notification dated

15.4.2026 stipulates as under :-

“1. This Act may be called the Maharashtra Co-operative Societies (Amendment) Ac, 2026.

2. In Section 73AAA of the Maharashtra Cooperative Societies Act, 1960, (hereinafter referred to as “the principal Act”) in sub-section (3),

(1) the first proviso shall be deleted;

(2) in the second proviso, for the words (“the Committee of the Society) the words, letter, figures and brackets “the Committee of the Society except the Committee of type “A” Societies prescribed in Rule 4 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014” shall be substituted.”

9. Apparently, first proviso that provided continuation of office bearers of the Committee till new Committee is constituted has been deleted. Even, the second proviso is amended to continue protection of existing members of the committee, except Committee of Type “A Society” prescribed in Rule 4 of the Maharashtra Co-operative Societies (Election of Committee) Rules, 2014. Therefore, protection that was available to existing committee when elections could not be hold for any reason not attributable to Members of the Committee of Society, is not available to the Committee of Type “A Societies”. The petitioner is admittedly a Type “A Society.” Therefore, as per sub-clause (3) of section 73-AAA on expiry of term of the Committee, the members are deemed to have vacated their office as members of the committee w.e.f. 21.3.2026 i.e. the date of expiry of term of the Committee.

10. In light of the aforesaid factual backdrop, when term of Committee of the Society has expired, Registrar is empowered

to exercise powers under section 77(A) of the Maharashtra Co-operative Societies Act to appoint Authorized Officer.

11. In the present case, due to deeming fiction under section 73-AAA (3), on expiry of term of the Committee, members are deemed to have vacated their office. Even, protection to continue till new committee is duly constituted is not available in view of amendment in section 73-AAA by the Act no.XX of 2026 notified w.e.f. 15.4.2026.

12. Although, Mr. Khandare, learned senior advocate submits that, Registrar has not followed the procedure before taking action as contemplated under section 77-A of the Act, this Court finds that once, Committee of “A Type Society” ceased to function or deemed to have vacated the office by operation of law. Proviso requiring Registrar to publish a notice inviting objections and suggestions in respect of proposed order to appoint Authorized officer to manage affairs of the Society would be redundant.

13. In the present case, admittedly, term of Committee is already expired. Being a “A Type Society”, there is no right with the Committee to continue in the office. The process for

election of the New Committee is already started. Final Voter's List would be published by 21.5.2026. In this backdrop, Respondents/Authorities are expected to complete process of election of Managing Committee of Respondent-Bank as per election programme published on 27.4.2026, however, there is no reason to interfere in impugned order dated 27.04.2026 appointing Authorized Officer. Hence, Writ Petition stands **dismissed**.

(S. G. CHAPALGAONKAR)
Judge.

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