



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5372 OF 2026

1. Bharat Bhaskarrao Deshmukh,
Age : 62 years, Occu. : Agriculture,
R/o. Alapurwadi, Post Shivoor,
Tal. Vaijapur, Dist. Chhatrapati Sambhajinagar.
2. The Secretary,
V. K. S. S. Shivoor,
Ta. Vaijapur, Dist. Chhatrapati Sambhajinagar.

... Petitioners

Versus

1. State Co-operative Election Authority,
Maharashtra State Pune,
Through its Commissioner.
2. District Co-operative Election Officer
and Divisional Joint Registrar Co-op. societies,
Kranti Chowk, Chh. Sambhajinagar.
3. Aurangabad District Central Co-op. Bank Ltd.,
Aurangabad through its Managing Director.
4. Appasaheb Asaram Jadhav,
Age : 60 years, Occu.: Agri.,
5. Bhandas Revba Aadhav
Age : 55 years, Occu.: Agri.,
6. Ganesh Panditrao Khambayte
Age : 60 years, Occu.: Agri.,
7. Smt. Kamlabai Dhananjay Chudiwal
Age : 55 years, Occu.: Agri.,
8. Dilip Raghunath Jadhav
Age : 60 years, Occu. : Agri.,
9. Rajendra Saluba Varpe

Age : 55 years, Occu.: Agri.,
R.No. 4 to 9, R/o: Shivoor,
Ta. Vaijapur, Dist. Chhatrapati Sambhajinagar.

... Respondents

- Mr. K. F. Shingare, Advocate for the Petitioners.
- Mr. S. K. Kadam, Advocate for Respondent Nos.1 and 2.
- Mr. G. P. Darandale, Advocate for Respondent No.3.
- Mr. S. P. Tiwari and Mr. S. J. Gaike, Advocate for Respondent Nos.4 to 9.

CORAM : S. G. CHAPALGAONKAR, J
(VACATION COURT)

DATE : MAY 28, 2026

ORDER :

1. The petitioners impugn order dated 18.05.2026 passed by respondent no.2/District Co-operative Election Officer, thereby allowing objections of respondent Nos.4 to 9 to nomination of petitioner no.1 as delegate at ensuing election of respondent no.3/Aurangabad District Central Co-operative Bank (for short, "*ADCC Bank*").

2. The petitioner no.2 is a member society of respondent no.3 of ADCC Bank. The respondent no.2 issued Notification regarding election of respondent no.3/ADCC Bank and invited member societies to nominate their delegates. The petitioner no.2/society convened meeting dated 28.03.2026 for nominating its representative/delegate. However, meeting was adjourned for want of Coram. Later on, it was convened on 01.04.2026 in which Resolution was passed nominating petitioner no.1 as delegate. Accordingly, proceedings of meeting dated 01.04.2026

alongwith Resolution was submitted to Assistant Registrar, Co-operative societies. Eventually, petitioner no.1's name was included in provisional voters list. Respondent no.4 to 9 raised objection before respondent no.2 seeking cancellation of Resolution dated 01.04.2026. Respondent no.2 pleased to upheld objection under impugned order and directed deletion of petitioner no.1's name from the voters list.

3. Mr. Shingare, learned Advocate for petitioners submits that petitioner no.1's name was validly included in provisional voter's list on basis of resolution of society dated 01.04.2026. Respondent nos.4 to 9 want to raise challenge to validity of Resolution. They have remedy to file dispute under Section 91 of Maharashtra Co-operative Societies Act, 1960 (for short 'MCS Act, 1960'). Respondent no.2 has no jurisdiction to entertain such objection. The inquiry under Rule 11 of Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 is extremely limited and it is not open to upset Resolution by delving into its validity under bye-laws.

4. Per contra, Mr. Tiwari, learned Advocate for appearing for respondent nos. 4 to 9 and Mr. Kadam, learned Advocate appearing for Respondent Nos.1 and 2 supports impugned order. They would submit that, meeting of society was convened on 28.03.2026. However, notices were not duly served. In result, meeting was dropped for want of Coram. The subsequent meeting dated 01.04.2026 was invalid in terms of bye-law No.9(5)(a).

5. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of record, it can be observed that, petitioner no.1 has been nominated as delegate of petitioner no.2 society. Accordingly, his name was included in provisional voters list for election of ADCC Bank. Respondent no.4 to 9 raised objection regarding validity of Resolution appointing petitioner no.1 as delegate of petitioner no.2 society. Undisputedly, meeting was convened on 28.03.2026 for appointing delegate for ensuing election of ADCC Bank. However, for want of Coram, it was dropped and next meeting was held on 01.04.2026. The reasoning adopted in impugned order depicts that respondent no.2 delved deep into validity of meeting dated 01.04.2026, resolution passed therein and appointment of petitioner no.1 as delegate. The reference is made to bye-law No.9(5)(a) of bye-laws of petitioner no.2 society.

6. Pertinently, it is not case that any other representative/delegate is appointed on behalf of petitioner no.2 society. The net result of deleting name of petitioner no.1 would be non-representation of petitioner no.2 society at the election of ADCC Bank. In such case, where name of petitioner no.1 was included as delegate on basis of resolution dated 01.04.2026, it was not open for the respondent no.2 to delve into validity of meeting and consequential appointment of petitioner no.1 as its representative. The Rule 11(1) of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 prescribed for limited inquiry into objection to provisional voters list. It does not contemplate detailed inquiry, as objective is to

eliminate inadvertent omission or error in name, address or any other particulars of members or delegates. Respondent no.2 can be said to be responsible for preparing flawless voters list. However, there is nothing in Rules that empowers him to hold detailed inquiry as to validity of Resolution appointing delegate of society. If any member of society has objection as to validity to Resolution for want of Coram or appropriate service of notice etc., his remedy lies under section 91 of the MCS Act, 1960.

7. Pertinently, it is not a dispute where under two Resolutions of same society two different nominations were received. In such case, Election Officer would be justified in inquiring into validity of Resolution to certain extent. The Division Bench of this Court in the case of ***Kamlabai Vitthal Rohankar v. Additional Collector & Ors.***¹, has observed as under :

“In any case, the issue regarding the legality of the meeting and constitution of quorum are required to be decided under section 91 by the Co-operative Court by leading evidence and not by the Assistant Registrar or the Collector and, therefore, we are of the opinion that the resolution of the Managing Committee which is acted upon by including the appellant's name in provisional voters' list cannot be ignored unless and until it is set aside by the Court of competent jurisdiction.”

8. The aforesaid observations are squarely applicable in facts of present case. In this case, it can be observed that respondent no.2 has exceeded jurisdiction while inquiring into validity of Resolution of society by which petitioner no.1's name was included in provisional voters list as delegate of petitioner no.2 society.

1 2007 (3) ALL MR 761

9. In result, impugned order is liable to be quashed and set aside. Hence following order:

ORDER

- a. Writ Petition is allowed in terms of prayer clause “B”.

(S. G. CHAPALGAONKAR, J.)