



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5374 OF 2026**

**SARANGDHAR WAWMAN DIKE
VERSUS
STATE CO-OPERATIVE ELECTION AUTHORITY
MAHARASHTRA STATE PUNE AND ORS**

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Mr. A. N. Nagargoje h/f Mr. L. H. Kawale, Advocate for the
Petitioner.

Mr. S. K. Kadam, Advocate for Respondent Nos.1 and 2.

Mr. V. D. Jadhav, Advocate for Respondent No.3.

Mr. G. P. Darandale, Advocate for Respondent No.4.

Mr. P. B. Shirsath, Advocate for Respondent No.5.

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

DATE : 26th MAY, 2026.

ORDER:-

1. The present Writ Petition takes exception to order dated 18.05.2026 passed by respondent no.2/District Co-operative Election Officer, thereby rejecting petitioner's objection to nomination of respondent no.5 as delegate of respondent no.3/society at the election of respondent no.4/Aurangabad District Central Co-operative Bank (for short 'ADCC Bank').

2. The sum and substance of petitioner's contention is that respondent no.3 is Co-operative Society registered under provisions of Maharashtra Co-operative Societies Act, 1960 (for short 'MCS Act, 1960'). The petitioner as well as respondent no.5 are member of respondent no.3-Society. On 27.04.2026, election

programme for election of respondent no.4/ADCC Bank for period of 2026-2031 came to be published by respondent no.2. Accordingly, on 27.04.2026 provisional voters list came to be published. As per election programme dated 10.03.2026 members/Societies were to submit names of delegates alongwith Resolution. The qualifying date for inclusion of name of member society was given as 21.03.2026. According to petitioner, respondent no.3/Society passed Resolution nominating respondent no.5 as its delegate at election of ADCC Bank. However, respondent no.5 was defaulter of respondent no.3/Society as on 21.03.2026. As such, he was not qualified to represent Society. Hence, his name ought to have been deleted/removed from voters list, which was published by District Co-operative Election Officer on 27.04.2026.

3. Mr. Nagargoje, learned Advocate appearing for petitioner submits that in view of Section 27(10) of MCS Act, 1960 r/w Section 73(CA)(1)(i)(f)(ii) of MCS Act, 1960, respondent no.5 cannot represent respondent no.3 being defaulter as on cut off date i.e. 21.03.2026 notified by District Co-operative Election Officer. He relies upon judgment of Supreme Court in case of ***Himat Vs. Rajendra & Ors. (Civil Appeal No.905/2021*** decided on ***15.03.2021***)

4. Per contra, Mr. Shirsath, learned Advocate appearing for respondent no.5 submits that respondent no.5 has cleared dues of Society on 24.03.2026. Accordingly, on 27.03.2026 respondent no.3/society passed Resolution recommending respondent no.5 as its delegate. Mr. Shirsath would further point out that individual qualification and disqualification of respondent no.5 is not material, as member/society is voter at election of Federal Society/DCC Bank. Therefore, assuming that respondent no.5 was defaulter on cut off date, Section 27(10) of MCS Act, 1960 has no application, as it speaks about disqualification of members/society and not delegate or its representative.

5. Perusal of impugned order shows that respondent no.2 has considered all relevant aspects. It has been observed that respondent no.5 had already cleared dues of respondent no.3/society and as on date of Resolution nominating him as delegate, he was not defaulter of parent society. The language of sub-section (10) of Section 27 of MCS Act, 1960 clearly stipulates about right of individual member, who has obtained loan from society and being defaulter loses his right to vote in affairs of society. As rightly pointed out by Mr. Shirsath, cut off date of 21.03.2026 referred in Notification issued by respondent no.2 for election of ADCC Bank speaks about qualification of

members/society as on 21.03.2026. It has nothing to do with qualification of delegate/member nominated by society. Further, respondent no.5 has already cleared dues of parent society and continued to be valid member of respondent no.3 on date of Resolution nominating him as delegate.

6. Hence, no case is made out to cause interference under Article 227 of Constitution of India. In result, Writ Petition sans merit. Hence, stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE