

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5636 OF 2026

Rajesh Sahebrao Patil

VERSUS

The State Cooperative Election Authority Through Its Commissioner
Pune And Others

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Advocate for the Petitioner : Mr. Pawade Nilkanth R
Advocate for Respondent Nos.1 & 2 : Mr. S.K. Kadam
Advocate for Respondent No.3 : Mr. S.S. Gangakhedkar
Advocate for Respondent No.4 : Mr. R.J. Nirmal h/f Mr. Sunil F.
Bagate

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 10, 2026

PER COURT :-

1. Present petition takes exception to order dated 28.05.2026 passed by respondent no.2 – District Cooperative Election Officer and Divisional Joint Registrar, Cooperative Societies, Chhatrapati Sambhajnagar, thereby rejecting objection filed by petitioner to inclusion of name of respondent no.4 in voters list at the election of respondent no.3 – Parbhani District Central Cooperative Bank.

2. The petitioner raised objection contending that respondent no.4 society is defaulter of PDCC Bank. As such, it has incurred disqualification. The record indicates that respondent no.3 – PDCC Bank has confirmed that respondent no.4 society is in default. The record further indicates that respondent no.4 society made an attempt to deposit amount of default. The record further indicates

that amount of Rs.17,26,780/- is deposited on 26.03.2026, however, balance could not be deposited. The record further indicates that petitioner attempted to deposit balance amount of Rs.2,18,488/- vide demand draft dated 09.04.2026.

3. Learned advocate appearing for petitioner has pointed out that respondent no.4 society was defaulter. In spite of aforesaid material, respondent no.2 rejected the objection. Learned advocate appearing for petitioner has rightly placed his reliance on observations of Hon'ble Supreme Court in case of ***Himat Vs. Rajendra and Ors in Civil Appeal No.905 of 2021 decided on 15.03.2021*** wherein in similar facts, Hon'ble Supreme Court observed that as per Section 27 of Maharashtra Cooperative Societies Act, 1960, the defaulter members on the cut-off date are not eligible to vote and, therefore, cannot participate in the election process.

4. This Court finds that respondent no.2 has committed patent illegality while permitting inclusion of name of respondent no.4 society in voters list of DCC Bank.

5. In light of aforesaid exposition of law, impugned order cannot be sustained. Hence, writ petition stands allowed in terms of prayer clause (B).

(S.G. CHAPALGAONKAR, J.)