IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5463 OF 2026

Lahuji Ganpati Jadhav … Petitioner

Vs.

The State Co-operative Election Authority, Pune and Ors. … Respondents

UDAY SHIVAJI JAGTAP
Digitally signed by UDAY SHIVAJI JAGTAP
Date: 2026.10.17 15:52:03 +0530

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Mr. Kalpesh U. Patil a/w Rajiv Gandhi, Digambar V. Jadhav for the Petitioner.

Mr. Ruturaj P. Pawar for Respondent Nos. 1 to 3.

Mr. Dilip Bodake (through VC) a/w Sharad Bodake, Amar P. Dhumal, Mohsin Khan, Pruthviraj M. Dagade, Viraj P. Dhumal for Respondent No.4.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 16th OCTOBER, 2026.

P. C. :

. Not on board. Upon mentioning, taken on board.

**2.** Heard both sides.

**3.** The petition is directed against the order dated 15.10.2026 passed by the Appellate Court under Section 152(A) of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the Act” for the sake of brevity) confirming the order of rejection of nomination passed on 05.01.2026 by the Returning Officer.

**4.** Learned counsel for the petitioner submits that petitioner is a

member of Sahyadri Sugar Factory, which is member society of the respondent no.4 – federal society. The Certificate to that effect is produced on record. It is further submitted that the list of the Directors, which is at Exh.E of the paper book dated 07.10.2026 is a sufficient compliance to Section 73B(3) of the Act. The rejection of the nomination is perverse and patently illegal. In the absence of any objection by anybody, the Returning Office should not have rejected the nomination suo moto. It is submitted that the petitioner is satisfying Section 73B(3) of the Act.

**5.** *Per contra*, learned counsel Mr. Pawar, appearing for respondent Nos.1 to 3 would submit that along with the nomination form, necessary documents were not attached. The list dated 07.10.2026 was not before the Returning Officer in the scrutiny conducted on 05.102.2026. It is further submitted that the petitioner is not fulfilling the qualification as contemplated by Sub-Section (3) of Section 73B of the Act. The documents pressed into service showing the Certificate and the list of Directors of Sahyadri Sugar Factory would not enure to the benefit of the petitioner considering the statutory requirement.

**6.** Learned counsel for the petitioner has placed reliance on the

judgment of co-ordinate bench in the case of **Arvind Dattatray Gawande Vs. The Amravati District Urban Cooperative Bank Association Ltd & Ors.** (Writ Petition No. 240 of 2025, decided on 23.06.2025) to buttress that the member of any co-operative society notwithstanding that it is not a member society of federal society, would be a sufficient qualification to file the nomination. I have gone through the judgment. I do not find that the issue fallen for the consideration in the present matter was dealt with by the co-ordinate bench. This judgment would not inure to the benefits of the petitioner.

**7.** The requirement of Section 73B(3) of the Act is as follows:-

(i) He has to be individual member of the society, or
(ii) He has to be elected member of committee of member society, or.
(iii) He has to be member of committee of member society.

**8.** In case of elected member as contemplated by later part of sub-section (3), he has to be elected, co-opted or appointed member. The petitioner is not fulfilling the qualifications as contemplated by sub-section (3) of Section 73B of the Act.

**9.** The list dated 07.10.2026 disclosing his membership of Nauday Macchimaar Co-operative Society was not attached to the nomination form, which is requirement as per Rule 21 Sub-Rule (2) of the

Maharashtra Co-operative Societies (Election to Committee) Rules, 2014. The Returning Officer had no occasion to examine the documents on 05.10.2026 when group scrutiny was undertaken. The documents appears to have been produced before the appellate authority. The co-ordinate bench has taken view in the case of **Murlidhar Rangrao Gaikwad Vs. State Co-operative Election Authority and Ors.** (2025) SCC OnLine Bom 893 that new documents cannot be entertained for the first time before the appellate authority under Section 152A of the Act. It is informed that said judgment of the co-ordinate bench is confirmed by Hon'ble Apex Court. Thus, the list dated 07.10.2026 cannot be taken into account.

**10.** The reliance on the Certificate dated 28.09.2026 issued by Sahyadri Sugar Factory and the list of the existing Board of Directors of the said sugar factory, will not help the petitioner because that was for the period 26.12.2002 to 17.04.2025. No appropriate document was attached to the nomination form disclosing that on the date of filing of the nomination, the petitioner was satisfying the qualifications as per sub-section (3) of Section 73B of the Act.

**11.** There are disputed questions of facts involved in the matter. Both authorities have taken reasonable and possible view. I find no merits in the writ petition.

**12.** The Writ Petition is dismissed.

(SHAILESH P. BRAHME, J. )