

MPBalekar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12594 OF 2024

Rohit Milind Tambe and Ors. ... Petitioners

V/s.

Deputy Registrar, Cooperative Societies
R/S Ward, Mumbai and Ors. ... Respondents

Mr. Vijay Nagare along with Mr. Prashant S. Kokare
i/by Nasscons Fintaxlegal for the petitioner.

Mrs. V.R. Raje, AGP for the State – Respondent Nos. 1
& 6.

Mr. Shreeniwas Magar along with S. Pawar i/by Mr.
Dilip Bodake for respondent No.5.

Mr. Kiran Nikam (Representing Officer) in-person
present – Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 21, 2026

P.C.:

1. The petitioner challenges an order passed in an appeal under Section 152A of the Maharashtra Cooperative Societies Act, 1960. The order confirms rejection of the petitioner's nomination paper by the Returning Officer.

2. The petitioner contends that Section 73CA of the Act does not apply to a housing society. He states that the Returning Officer rejected his nomination paper only on the basis of Section 73CA. He points out that housing societies do not fall in the same class as societies covered under Section 73CA.

3. The factual position shows that the election process has concluded. Once the election is concluded, the law all disputes about nominations, acceptance, or rejection to be examined through an election petition.
4. Section 91 of the Act permits a member to file a dispute before the Cooperative Court in relation to an election. The Cooperative Court can examine whether the nomination was wrongly rejected.
5. Considering the legal position and availability of an effective statutory remedy, it is not appropriate to entertain the writ petition. The petitioner has an adequate remedy under Section 91 of MCS Act. The petition therefore does not require examination on merits.
6. The petitioner can file an election dispute under Section 91. The cooperative Court to conclude such dispute within six months from the date of filing.
7. The writ petition is disposed of in these terms.

(AMIT BORKAR, J.)