

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2009 OF 2025

VAIBHAV
RAMESH
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Date: 2025.02.10
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Nilesh Mahadev Jagtap

... Petitioner

V/s.

Divisional Joint Registrar Cooperative
Societies, Pune Division & Ors.

... Respondents

Mr. Sagar Kursija with Ronak Utagikar for the
petitioner.

Ms. Dhruti Kapadia, AGP for the State-respondent
Nos.1 and 2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 10, 2025

P.C.:

1. Leave to amend. Amendment to be carried out within two weeks from today.
2. It is herein observed that the District Election Officer, acting in exercise of the power conferred by Rule 66 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, issued an order disqualifying the managing committee members on the ground of their failure to submit the requisite accounts. The impugned order, although formally passed by the District Deputy Registrar, prima facie must be construed in the light of the fact that the Registrar continues to function in the capacity of District

Election Officer as per the provisions of the said Rules. In this regard, it is imperative to underscore that the power exercised did not emanate from or fall within the ambit of the authority delegated under Section 3 of the Maharashtra Co-operative Societies Act, 1960. Rather, the authority to pass the order emanated solely from his role as Election Officer under Rule 66, thereby establishing the proper legal capacity in which the order was rendered.

3. Hence, issue notice for final disposal to respondent Nos.3 to 16, returnable on **24 March 2025**.

4. Until further orders, all proceedings before the revisional authority in Revision Application No.334 of 2024 shall remain stayed.

(AMIT BORKAR, J.)