



14-17002-2025

2026:BHC-AS:4181

MPBalekar

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

WRIT PETITION NO. 17002 OF 2025

Aseem Bhatnagar

... Petitioner

V/s.

Ld. Deputy Registrar, Cooperative

Society, P-South Ward, Mumbai and Ors. ... Respondents

Mr. Y. Malvankar, for the petitioner.

Ms. M. S. Srivastava, AGP for the State – Respondent

Nos. 1 & 2.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 15, 2025

P.C.:

1. Issue notice to the respondents, returnable on 19 January 2026.

2. A prima facie scrutiny of the impugned order passed under Section 75(5) of the Maharashtra Co operative Societies Act, 1960 raises a serious concern. The findings of disqualification recorded therein do not flow from the show cause notice issued to the petitioner. A person must know the exact charge he has to meet. The authority cannot travel beyond the notice and record findings on grounds never put to the affected party. Such a course offends basic fairness. Equally significant is the reply filed by the respondents. On a plain reading, it indicates substantial compliance with the core requirements of Section 75. The alleged deficiencies appear to have been addressed. At this stage,



therefore, the foundation of the disqualification appears shaky. In these circumstances, protection is necessary to prevent irreversible consequences. Till further orders, ad interim relief in terms of prayer clause (c) deserves to operate.

3. The petitioner has further pointed out that although the impugned order bears the date 28 November 2025, it was not served upon him until 4 December 2025. That date coincides with the scrutiny of nomination papers. Service of an order is not a mere formality. It determines when the order takes effect against the person concerned. Delay in service, especially in an election process governed by strict timelines, has serious consequences. At a prima facie level, the explanation for such delayed service is neither forthcoming nor satisfactory.

4. The timing and manner of service give rise to a strong prima facie inference. It appears that the process was so managed as to ensure that the petitioner was disabled from contesting the election. The fact that the impugned order was handed over to the petitioner through the complainant, coupled with the manner in which the order came to be passed, raises a reasonable apprehension of lack of neutrality. An election must not only be fair but must also appear to be fair. To preserve the purity of the election and to prevent a fait accompli, it is necessary to intervene at this stage.

5. Accordingly, until further orders, the further process of the election shall remain stayed.

(AMIT BORKAR, J.)