

ITEM NO.36

COURT NO.15

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

M.A. No.648/2020 In S.L.P.(C) No.8004/2019

BABURAO & ANR.

Petitioner(s)

VERSUS

YAVATMAL DISTRICT CENTRAL COOPERATIVE BANK
LIMITED & ORS.

Respondent(s)

(With appln.(s) for intervention/impleadment and clarification/
direction)

Date : 06-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Ms. Vandana Sehgal, AOR

For Respondent(s)

Ms. Lakshmi K.G., Adv.
Mr. Kishore Ram Lambat, Adv.

Mr. Satyajit A. Desai, Adv.
Ms. Anagha S. Desai, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.

UPON hearing the counsel the Court made the following
O R D E R

On 25 November 2019, we had passed an order with the consent of the parties, directing fresh elections to be held before 28 February 2020. Thereafter, vide order dated 13 January 2020, we modified our earlier order and directed the State Cooperative Election Authority, Maharashtra to conduct the elections and also directed that the election process be completed by 31 March 2020. We have been informed that the

election schedule has been issued and that the applicant herein has also filed her nomination.

The grievance of the applicant is that the election should be held as per the 2009 bye laws and the unamended rules (prior to the 97th Amendment to the Constitution of India). On the other hand, the State has filed an application that the election should be conducted as per the provisions of Maharashtra State Cooperative Societies (Election to Committee) Rules, 2014. It is not disputed that not the entire Ninety Seventh Amendment Act, but some portion of it was stayed by the jurisdictional High Court insofar as it relate to fixing of maximum number of directors to be elected to the Managing Body. This order was passed on 12 February 2013. The writ petition is stated to be still pending.

The applicant herein, Sanjeev Kumar Sakharampanth Joshi, who is one of the members of the Board of Directors of the Yavatmal District Central Cooperative Bank, had filed a writ petition before the Nagpur Bench of the Bombay High Court in the year 2013, challenging the new rules and further praying that elections should be held as per the bye laws of 2009. An interim order was passed on 29 August 2013 directing the respondent-authorities not to proceed with the election of Board of Directors of the Yavatmal District Central Cooperative Bank till further orders.

We are surprised to note that in both the writ petitions, which relate to election matters, the High Court did not proceed to decide the matters. As far as the respondent-bank is concerned, the last elections were held in the year 2007 and we are in the year 2020. We cannot let the process of elections be stalled on one pretext or the other. We, therefore, direct that the elections shall go on as directed by this Court as per the new rules. However, we permit the applicant to file election petitions or take any

other remedy as permissible in law. In case the applicant succeeds, the election for further posts can always be held and seats can be reserved as per the unamended rules.

The miscellaneous application is, accordingly, disposed of.

(Chetan Kumar)
A.R. - cum - P.S.

(Parveen Kumari Pasricha)
Court Master