

ITEM NO.7 Court 6 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No. 15366/2020  
IN SLP(C) No. 8004/2019

BABURAO S/O BANDUJI KUBDE & ANR. Petitioner(s)

VERSUS

YAVATMAL DISTRICT CENTRAL  
COOPERATIVE BANK LIMITED & ORS. Respondent(s)

(IA No. 66974/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 66982/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 66976/2020 - EXEMPTION FROM FILING O.T.  
IA No. 66977/2020 - EXEMPTION FROM PAYING COURT FEE)  
IA NO.87833/2020- FOR INTERVENTION  
IA NO.87834/2020- EXEMPTION FROM FILING O.T.  
IA NO.87835/2020-FOR CLARIFICATION/DIRECTIONS  
IA NO.87336/2020-EXEMPTION FROM FILING O.T.

WITH MA 1469/2020 in SLP(C) No. 8004/2019  
(IA No. 31694/2020 - CLARIFICATION/DIRECTION)

MA 903/2020 in SLP(C) No. 8004/2019  
(IA No. 47651/2020 - APPLICATION FOR PERMISSION TO POSTPONE  
ELECTIONS  
IA No. 47652/2020 - EXEMPTION FROM FILING O.T.)

Date : 09-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Satyajit A.Desai, Adv.  
Mr. Kailash Narwade, Adv.  
Mr. Satya Kam Sharma, Adv.  
Ms. Anagha S. Desai, AOR

Mr. Sachin Patil, AOR  
Mr. Rahul Chitnis, Adv.  
Mr. Geo Joseph, Adv.

For Respondent(s) Mr. Siddharth Dave, Sr.Adv.  
Mr. Anshuman Ashok, AOR

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

We have heard learned counsel for parties.

In pursuance to the order dated 25.11.2019 of this Court, directions were passed for fresh elections to be held before 28.02.2020 considering that no elections have been held since 2012. This order was subsequently modified by an order dated 13.01.2020 directing the State Cooperative Election Authority, Maharashtra to conduct the elections and the process to be concluded by 31.03.2020. The elections were thereafter proceeded in the said manner. An application was filed in the meantime, which was dealt with by the order dated 06.03.2020 to ensure that the elections are not impeded in any manner.

Despite the aforesaid position, the scheduled election date of 26.03.2020, no election could take place because of the supervening event of the Covid. An application has, thus, been filed on behalf respondent No.6, Election Officer for permission to postpone the elections. In this behalf, it has also been pointed out by filing an application that an Ordinance has been issued, being Maharashtra Ordinance No.XII of 2020, in view of the Covid situation, in terms whereof the term was extended by six months from the date of the Ordinance as per Clause 3(a) of the Ordinance.

Learned counsel appearing for the applicant respondent No.6 submits that the elections will be held in the time period specified by the Ordinance and shall not be postponed.

The applicants in IA No.87835/2020 are persons who are interested in contesting the elections. They express an

apprehension that the elections should not be postponed.

We see no reason for such apprehension in view of the categorical stand taken before us by the respondent No.6, Election Officer.

Another prayer made by the petitioner is that since considerable time has elapsed, it is in the interest of the Cooperative Bank that an Administrator be appointed. We agree with this position and learned counsel for the State also does not dispute this prayer. Thus, an Administrator will be appointed at the earliest by the State. The Administrator will not take any major policy decision but will carry out the routine activity in the meantime till the election process is completed. The Administrator should not impede the election in any manner.

The Miscellaneous Applications stand disposed of.

All the pending applications accordingly stand disposed of.

(ASHA SUNDRIYAL)  
AR-CUM-PS

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR