
(2026) 08 BOM CK 3607
In the Bombay High Court
Case No : Writ Petition (L) No. 23351 of 2026

Pradip Sarfare

APPELLANT

Vs

Nilesh Haldankar & Ors.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Citation : (2026) 08 BOM CK 3607

Hon'ble Judges : Manjusha Deshpande, J;Bharati Dangre, J

Bench : Division Bench

Advocate : Mr. Mohammad M. Abdi, Mr. V.G. Sreeram, Mr. Mayur Khandeparkar, Mr. Mani Thevar, Mr. Anas Dhorajiwala, Ms. Priyanka Bhadrashete

Final Decision : Disposed Of

Judgement

1. By consent of Parties issue 'Rule'. Rule is made returnable forthwith.

2 The Petitioner, an individual projecting himself to be the Chief Promoter of Aai Kadeshwari SRA Cooperative Housing Society Ltd., Bandra, has approached this Court, for conduct of the elections of the Society and seek a direction to Respondent No.2 to publish the election programme in a time bound manner.

We see no difficulty in such a relief being sought as the Society is entitled to have a Managing Committee duly elected and the innocuous prayer of elections to be conducted in a time bound manner, would have been readily accepted by us.

However, we have before us an Affidavit filed by Respondent No.1 Nilesh Haldankar, appointed as an Administrator, and this Affidavit affirmed on 03/08/2026 contain the sequence of events to find that the Administrator when took charge of the affairs of the Society, noted that the Society has not maintained any Records and even the 'I' & 'J' Register which is the preparatory ground for eligibility and preparation of Voters list is also not prepared and the Administrator has blamed the Petitioner for the same.

But in any case, a reading of the Affidavit has revealed serious allegations against the Petitioner, who alongwith his wife has submitted documents for availing the benefit and in fact this is in clear violation of the norms as for a family, the eligibility is only one unit and, therefore, the Administrator has clearly stated that an inquiry in this regard must be conducted.

3 The detail Affidavit which is presented before us by the learned counsel Mr.Khandeparkar which is taken on record has set out various steps which are required to be taken, as ground working for conduct of elections of the Society and since the Society has 279 slum dwellers, it is also categorically stated that out of them 169 are already handed over alternative accommodation, but the Administrator has also recorded that some of them have either sold or let out their respective premises to third Parties and, therefore, the eligibility and list of the persons who are entitled to participate in the election process for electing the Managing Committee of the Society, will have to be prepared by taking into consideration all these aspects.

Apart from this, the Affidavit also state that finalization of the list of eligible voters of the Society is a statutory pre-condition for the commencement and conduct of election process and we have noted that at one point of time the Deponent of the Affidavit was replaced by another Administrator, but by an order passed on 06/02/2026 he was again reinstated and now he is in helm of the affairs of the Society as an Administrator.

4 The Affidavit has set out all the necessary steps which are required to be taken for the purpose of conducting of fair and transparent election, but unless and until these creases are ironed out at this stage, it would result in a faulty process being followed and we permit the Administrator Nilesh Haldankar to undertake all the steps that are necessary for conduct of the elections and for the appointment of the Committee of the Society.

Since we are satisfied with the steps that are indicated in the Affidavit we permit him to follow the necessary procedure , so that the ground work is made ready for conduct of the elections and thereafter the elections shall be conducted.

5 In the meantime, looking to the exercise that is taken and is required to be taken for conduct of elections, we direct that the Assistant Registrar, Cooperative Societies, East and West Suburbs, SRA, shall not replace the present Administrator till the election process is concluded, so that there is continuity of the proceedings and we find the steps taken by the Administrator to be satisfactory and moving towards the conduct of the free and fair elections.

We also record that on culmination of the ground work, the Administrator shall forthwith take steps for designating the Election Officer for conduct of the elections.

In the whole exercise to be carried out, we expect the Slum Rehabilitation Authority to render the cooperation to the Administrator and also, if required, to

the Election Officer.

6 We can only hope and trust that the Administrator shall take all expedient steps for conclusion of the ground working for conduct of elections of the Society.

With the above directions, Writ Petition is disposed of.