

**THE MAHARASHTRA CO-OPERATIVE SUGAR
FACTORIES (UNDER ERECTION AND CERTAIN OTHERS)
(POSTPONEMENT OF ELECTIONS), Act, 1977**

49 Of 1977¹

15th November, 1977

An Act to provide for postponement of election to committees of certain Co-operative Sugar Factories under erection, for facilitating early completion of their erection programmes and starting of trial crushing seasons, and of certain other Co-operative Sugar Factories, whose elections could not be held due to the rainy season.

WHEREAS the Co-operative Sugar Factories have been declared as specified societies under Section under section 73G of the Maharashtra Co-operative Societies Act, 1960, and their elections are required to be conducted under the control of the Collectors of the Districts in the manner laid down by or under Chapter XI-A of the said Act;

AND WHEREAS the term of office of members of committees or administrators of some of the Co-operative Sugar Factories had expired or was due to expire;

AND WHEREAS holding of elections in the case of the Co-operative Sugar Factories under erection would have unnecessarily diverted the attention of the management and the members of these societies, and thereby disturbed and dislocated their erection programmes or the dates for starting of trial crushing seasons;

AND WHEREAS it was expedient to postpone the general elections and by-elections of three such societies upto and inclusive of the 20th October 1978, to enable them to complete their erection programmes or start their trial crushing seasons as early as possible;

AND WHEREAS the period for postponement of elections mentioned in sub-section (3) of section 2 of the Maharashtra Specified Co-operative Societies (Postponement of Elections due to the Emergency) Act, 1975, in the case of some other Co-operative Sugar Factories was due to expire on the 21st September 1977;

AND WHEREAS it was expedient to postpone general elections and by-elections of twelve such societies upto and inclusive of the 20th October 1977, to enable to Collectors to complete the procedure for their elections and to facilitate the members to take part in elections without disturbing agricultural operations in the rainy season;

AND WHEREAS in consequence of such postponement, it was necessary to extend the term of office of members of committees or administrator of all these societies;

AND WHEREAS both House of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to provide for the postponement of elections and extension for the term of office as aforesaid and for matters connected therewith, and, therefore, promulgated the Maharashtra Co-operative Sugar Factories (under erection and certain others) (Postponement of Elections) Ordinance, 1977, on the 1st September 1977;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows

1. For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1977, Part V, Extra, page 331

1. Short Title, Commencement and duration. – (1) This Act may be called Maharashtra Co-operative Sugar Factories (under erection and certain other) (Postponement of Elections) Act, 1977.

(2) It shall be deemed to have come into force on the 1st September 1977.

(3) It shall remain in operation upto and inclusive of of 20th October 1978, or, such earlier date as may be notified by the State Government in the *Official Gazette*, and shall then expire. Section 7 of the Bombay General Clause Act, 1904, shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

2. Definitions. – In this Act, unless the context otherwise requires,

(a) "administrator", "committee" and "society" shall have the meanings assigned to them in the Co-operative Societies Act;

(b) "Co-operative Sugar Factory under erection" means any Co-operative Sugar Factory specified in Schedule I, and other Co-operative Sugar Factory" means any Co-operative Sugar Factory specified in Schedule II, which is registered or deemed to be registered under the Co-operative Societies Act;

(c) "the Co-operative Societies Act" means the Maharashtra Co-operative Societies Act, 1960.

3. Postponement of election to committees of Co-operative Sugar Factories under erection. – Notwithstanding anything contained in the Co-operative Societies Act and the rules and bye-laws made thereunder or in the Maharashtra Specified Specified Co-operative Societies (Postponement of Elections due to the Emergency) Act, 1975 –

(a) during the period from the date of commencement of this Act and inclusive of the 20th October 1978, or such earlier date as may be notified by the State Government under sub-section (3) of section 1 (hereinafter referred to in this section as "the said period"), no election to the committee, or election to fill any casual vacancy in the committee, of any Co-operative Sugar Factory under erection shall be held, even though an election programme may have been announced in any case, or an election may have been commenced but the poll has not been taken in any case, and any such programme or any action taken thereunder shall stand cancelled from the date of commencement of this Act;

(b) the term of office (including any extended term of office) of members (whether elected, appointed, nominated or co-opted) of the committees of, or of the administrators appointed to manage the affairs of, such societies, who were in the office on the day immediately preceding the date of commencement of this Act (whether their term had expired before, or ill expire on or after the said date at any time during the said period), shall be deemed to have been extended, or to be extended, as the case may be; and such members or administrators, as the case may be, shall continue to hold the office during the said period), shall be deemed to have been extended, or to be extended, as the case may be; and such members or administrators, as the case may be, shall continue to hold the office during the said period.

4. Postponement of elections to committees of other Co-operative Sugar factories. – Notwithstanding anything contained in the Co-operative Societies Act and the rules and bye-laws made thereunder or in the Maharashtra Specified Cooperative Societies (Postponement of Elections due to the Emergency) Act, 1975,-

(a) during the period from the date of commencement of this Act upto and inclusive of the 20th October 1977 (hereinafter referred to as "the period aforesaid") no election to the committee, or election to fill any casual vacancy in the committee, of any other Co-operative Sugar Factory shall be held, even though an election programme may have been announced in any case, or an election may have been announced in any case, or an election may have been commenced but the poll has not been taken in any case, and such programme or any case, and such programme or any action taken thereunder shall stand cancelled from the date of commencement of this Act;

(b) the term of office (including any extended term of office) of members (whether elected, appointed nominated or co-opted) of the committees of, or of the administrators appointed to manage the affairs of such societies, who were in the office on the day immediately preceding the date of commencement of this Act (whether their term had expired before, or will expire on or after the said date at any time during the period aforesaid), shall be deemed to have been extended or to be extended, as the case may be; and such members or administrators shall continue to hold office during the period aforesaid.

5. Power to co-opt – The committee of every Co-operative Sugar Factory referred to in section 3 and 4 shall have the power to co-opt any member, who is duly qualified in this behalf, to fill any vacancy caused due to resignation, death or otherwise, of its member.

6. Power of removal of committees or members thereof. – If the State Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by notification in the Official Gazette, remove the committee of any Co-operative Sugar Factory under erection or any other Co-operation Sugar Factory or one or more members thereof and appoint a new committee or one or more administrators in place of the committee or one or more members in place of the members removed, as the case may be. These persons shall be appointed for such period and subject to such terms and conditions as may be specified in the notification:

Provided that, no such notification shall be issued, unless the members concerned are given a reasonable opportunity of making a representation to the State Government on the action proposed to be taken against them.

7. Validation of acts of committees and of members and administrators whose term of office stands extended under this Act.– All members of the committees, and all administrator, of any Co-operative Sugar Factories, whose term of office is deemed to have been extended, or is extended as the case may be, under section 3 or 4, shall, throughout their respective extended period also, be competent to exercise all powers and perform all duties and functions as such members or administrators, as the case may be; and no acts done by any such member or administrators, as the case may be; and no acts done by any such member or administrator during the relevant period, shall be deemed to be invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time, or was not otherwise duly extended, or that during the extended period the committee, members or administrator could not exercise all powers and perform all duties and functions of a committee, member or administrator, as the case may be.

8. Arrangements to be made to constitute new committees at the expiry of the extended term of existing – Notwithstanding anything contained in this Act, after a date (being a date before the date of expiry of the extended period under section 3 or 4, as the case may be), to be notified by the State Government in the Official Gazette, arrangements shall be made by the Collectors concerned to constitute new committees, in accordance with the provisions of the Co-operative Societies Act and the rules and the bye-laws made thereunder, before, or as soon as possible after, the expiration of the term of office of the existing committees and administrators concerned, which stands extended under section 3 or 4, as the case may be.

9. Application of Mah. XXIV of 1961.- Except as otherwise provided by or under this Act, the Co-operative Society Act shall in all other respects apply to the Cooperative Sugar Factories concerned.

10. Removal of Difficulties – if any difficulties arises in giving effect to any provisions of this Act, or by reason of anything contained therein, or in giving effect to the provisions of the Co-operative Societies Act, the State Government may, a occasion arises, by order, do anything which appears to it to be necessary for the purposes of removing the difficulty.

11. Mah. XLIII of 1975 to cease to apply to Co-operative Sugar Factories to which this Act applies. – With effect from the date of commencement of this Act, the Maharashtra Specified Co-operative societies (Postponement of Elections due to the Emergency) Act, 1975, shall cease to apply to the Co-operative Sugar Factories specified in Schedules I and II appended to this Act.

12. Repeal of Mah. Ord V of 1977 and saving. (1) The Maharashtra Co-operative sugar Factories (under erection and certain others) (Postponement of Elections) Ordinance, 1977, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance shall be deemed to have been done or taken or issued, as the case may be, under the corresponding provisions of the Act.

SCHEDULE I.

[See clause (b) of section 2]

1. Nashik Sahakari Sakhar Karkhana Limited, Palse, district Nashik.
2. Karmaveer Kakasaheb Wagh Sahakari Sakhar Karkhana Limited, Ranwad, taluka Niphad, district Nashik.
3. Daulat Shetkari Sahakari Sakhar Karkhana Limited, Yeshwantnagar, taluka Chandgad, district Kolhapur.

SCHEDULE II.

[See clause (b) of section 2]

1. Shri Jagadamba Sahakari Sakhar Karkhana Limited, at and Post Rashin, Taluka Karjat, district Ahmednagar.
2. Ambajogai Sahakari Sakhar Karkhana Limited, Ambajogai, District Beed.
3. Sahyadri Sahakari Sakhar Karkhana Limited, Shirwade, Talukar Karad, District Satara.
4. Sidheshwar Sahakari Sakhar Karkhana Limited, Sillod, district. Aurangabad.
5. Kannad Sahakari Sakhar karkhana Limited, Kannad, district. Aurangabad.
6. Vinayak Sahakari Sakhar Karkhana Limited, Parsoda, taluka Vaijapur, district. Aurangabad.
7. Marathwada Sahakari Sakhar Karkhana Limited, Dongarkheda, Taluka Kalamnuri, district. Parbhani.
8. Belganga Sahakari Sakhar Karkhana Limited, Bhoras, taluka. Chalisgaon, district. Jalgaon.
9. Dnyaneshwar Sahakari Sakhar Karkhana Limited, Bhende Budruk., taluka Newasa, district. Ahemadnagar.
10. Gangapur Sahakari Sakhar Karkhana Limited, Gangapur, dist. Aurangabad.
11. Saswadmali Sahakari Sakhar Karkhana Limited, Malinagar, district Solapur.
12. Adinath Sahakari Sakhar Karkhana Limited, district Solapur.
