

**THE MAHARASHTRA CO-OPERATIVE SUGAR FACTORIES UNDER ERECTION
(POSTPONEMENT OF ELECTIONS) ACT, 1974**

[Text as on 24th April 2025]

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Definitions.
3. Postponement of elections committees of Co-operative Sugar Factories under erection.
4. Power to Co-opt.
5. Power of removal of committee or member thereof.
6. Validation of acts of committees and of members and administrators whose term of office stands extended under section 3.
7. Arrangements to be made to constitute new committees before expiry of extended term of existing committees and administrators.
8. Application of Mah. XXIV of 1961.
9. Removal of difficulties.
10. Repeal of Mah. Ord. XX of 1974 and saving.

SCHEDULE

MAHARASHTRA ACT No. LIX OF 1974¹**[THE MAHARASHTRA CO-OPERATIVE SUGAR FACTORIES UNDER ERECTION
(POSTPONEMENT OF ELECTIONS) ACT, 1974.]**

[This Act received the assent of the Governor on the 15th December 1974, assent was first published in the *Maharashtra Government Gazette*, Extraordinary No. 82, Part IV, on the 17th December 1974.]

An Act to provide for the postponement of elections to committees of certain Co-operative Sugar Factories under erection, for facilitating early completion of their erection programmes or starting of trial crushing seasons.

WHEREAS the Co-operative Sugar Factories have been declared as specified societies under section 73G of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), 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 under erection, had expired or was due to expire, and holding of elections 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 would have been required to be postponed ;

AND WHEREAS it was expedient to postpone general elections and by-elections of these societies for a certain period, to enable them to complete their erection programmes or start their trial crushing seasons as early as possible ;

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

AND WHEREAS both Houses of the Legislature of the State 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 the extension of the term of office as aforesaid and for matters connected therewith, and, therefore, promulgated the Maharashtra Co-operative Sugar Factories under erection (Postponement of Elections) Ordinance, 1974 (Mah. Ord. XX of 1974), on the 4th day of November 1974 ;

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

1. Short title and commencement.— (1) This Act may be called the Maharashtra Co-operative Sugar Factories under erection (Postponement of Elections) Act, 1974.

(2) It shall be deemed to have come into force on the 4th day of November 1974.

(3) It shall remain in operation up to and inclusive of the 30th day of November 1975, 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 Clauses Act, 1904 (Bom. I of 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 a Sugar Factory mentioned in the Schedule appended to this Act, which is registered, or deemed to be registered, as a co-operative society under the Co-operative Societies Act ;

¹ For Statement of Objects and Reasons of the L. A. Bill No. CVII of 1974, see *Maharashtra Government Gazette*, 1974, Extraordinary No. 99, Part V, dated the 26th November 1974, page 1071.

(c) “the Co-operative Societies Act” means the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

3. Postponement of elections 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,—

(a) during the period this Act is in operation, 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 ;

(b) the term of office of members of the committee or of administrators of every Co-operative Sugar Factory under erection, who were in office on the date of commencement of this Act (whether their term had expired before or will expire after the said date at any time during the period this Act is in operation) 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 hold office during the period this Act is in operation.

4. Power to Co-opt.— The committee of every Co-operative Sugar Factory under erection 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 members.

5. Power of removal of committee or member thereof.— If the State Government is of 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 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 so 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 member or members concerned are given reasonable opportunity of making representation on the action proposed to be taken against them.

6. Validation of acts of committees and of members and administrators whose term of office stands extended under section 3.— All members of the committees and administrators of the Co-operative Sugar Factories under erection, whose term of office is deemed to have been extended or is extended, as the case may be, under section 3, shall, throughout the extended period, also be competent to exercise all powers and to perform all duties and functions as such members or administrators, as the case may be ; and no act done by any such committee or member or administrator during the said 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 or member or administrator could not exercise all powers and perform all duties and functions of a committee or member or administrator, as the case may be.

7. Arrangements to be made to constitute new committees before expiry of extended term of existing committees and administrators.— Notwithstanding anything contained in this Act, after a date (being a date before the date of expiry of this Act), 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 bye-laws made thereunder, before the expiration of the term of office of the existing committees and administrators, which stands extended during the period this Act is in operation.

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

9. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained therein, or in giving effect to the provisions of the Co-operative Societies Act or any other law relating to the societies, in respect of any matter contained in this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

10. Repeal of Mah. Ord. XX of 1974 and saving.— (1) The Maharashtra Co-operative Sugar Factories under erection (Postponement of Elections) Ordinance, 1974 (Mah. Ord. XX of 1974), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See clause (b) of section 2]

1. Shri Jagdamba Sahakari Sakhar Karkhana, Ltd., At and Post—Rashin, Taluka—Karjat, District—Ahmednagar.
2. Ambejogai Sahakari Sakhar Karkhana, Ltd., Ambejogai, District—Bhir.
3. Sahyadri Sahakari Sakhar Karkhana, Ltd., Shirawade, Taluka—Karad, District—Satara.
4. Sidheshwar Sahakari Sakhar Karkhana, Ltd., Sillod, District—Aurangabad.
5. Kannad Sahakari Sakhar Karkhana, Ltd., Kannad, District— Aurangabad.
6. Vinayak Sahakari Sakhar Karkhana, Ltd., Parsoda, Taluka—Vaijapur, District—Aurangabad.
7. Marathwada Sahakari Sakhar Karkhana, Ltd., Dongarkoda Taluka—Kalamnuri, District—Parbhani.
8. Belganga Sahakari Sakhar Karkhana, Ltd., Bhors., Taluka—Chalisgaon, District—Jalgaon.
9. Daulat Sahakari Sakhar Karkhana, Ltd., Yeshwantnagar, Taluka—Chandgad, District—Kolhapur.