

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.15002 OF 2015**

Rodrigues Savio Peter

..Petitioner

Vs.

**The Returning Officer of Bassein Catholic
Co-operative Bank, Papadi, Vasai & Ors**

..Respondents

Mr. Tushar Sonawane for the Petitioner

Mr. Kirit J. Hakani a/w Mr. Rahul Hakani, Ms Niyati Hakani and Ms Reena Rana for the Respondent No.1

Mr. Jaideep Mitra i/b M/s. Dilima & Associates for the Respondent No.2

Mr. Brian D'Lima for the Respondent No.3

Mrs. M. S. Bane "B" panel counsel for the Respondent Nos.8 and 9

CORAM : R. M. SAVANT, J.

DATE : 10th June, 2015

P.C.

1 The rejection of the nomination of the Petitioner on the ground that he is a Director of another Urban Co-operative Credit Society which rejection has been confirmed by the Appellate Authority, is taken exception to by way of the above Petition.

2 The Learned Counsel for the Petitioner does not dispute the fact that the Petitioner was a Director of one Garcian Urban Co-operative Credit Society Limited which operates within the area of operation of the Respondent No.3 Bank, but it is his contention that he had tendered his resignation as a

Director on 10-5-2015, which according to him was also accepted prior to the Petitioner filing his nomination. The said fact is disputed by the Learned Counsel appearing for the Respondent No.1 Mr. Hakani and the Learned Counsel appearing for the Respondent No.3 Bank, Mr. D'lima. It is the contention of the Learned Counsel that no such documents were produced before the Returning officer at the time of scrutiny or before the Appellate Authority evidencing the resignation being tendered and the same being accepted. In view of the said dispute which would involve adjudication of disputed questions of fact, this court is not in a position to entertain the above Petition. The Petition is accordingly dismissed.

3 However it would be open for the Petitioner to adopt such remedy as is available in law after the elections are over, if the occasion so arises, challenging the rejection of his nomination. Needless to state that the said proceeding would be decide on its own merits and in accordance with law.

[R.M.SAVANT, J]