

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11490 OF 2018

**MADHAV TANAJI KHANDARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioners : Shri P. B. Rakhunde
AGP for Respondent/ State : Shri P. N. Kutti.
Advocate for Respondent Nos. 4 and 5 : Shri P. V. Balkhande
h/f. Shri P. D. Sangvikar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th OCTOBER, 2018.

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PER COURT :

1. The petitioner/original complainant is aggrieved by the order dated 10/08/2018 passed by the Additional Commissioner, Aurangabad, by which, the Appeal preferred by respondent Nos. 4 and 5 challenging their disqualification under the orders of the District Collector dated 14/11/2017, has been allowed and the disqualification has been set aside.

2. The issue raised by the petitioner/original complainant is under Section 14B(1)(a and b) of the Maharashtra Village Panchayats Act. Sub clause (a) provides for tendering the

accounts of election expenses within 30 days from the date of the elections and sub clause (b) permits the elected candidate or a defeated candidate, who has delayedly submitted his account of expenses, to explain away the delay. Law, therefore, permits the District Collector to consider the explanation for the delay caused and decide whether the explanation needs to be accepted on merit.

3. The original complainant submits that the result of the elections to Grampanchayat, Tirkaswadi, was declared on 03/11/2015. The period of 30 days expires on 03/12/2015. The elected representatives have tendered their accounts on 04/12/2015, which is revealed from the record. The petitioner, therefore, contends that after the expiry of 30 days, no such accounts of election expenses can be accepted and once there is a delay, the concerned candidate has to be disqualified.

4. Shri P. V. Balkhande, learned Advocate appearing on behalf of respondent Nos. 4 and 5, has strenuously opposed this petition and has prayed that the petition be dismissed with

costs. He submits that the delay of one day was rightly considered by the Appellate Court and hence the impugned order does not call for any interference.

5. I find that the submissions of the learned Advocate for the petitioner have a fallacy. Sub clause (a) below Section 14B(1) mandates that the account should be furnished within 30 days. There is no dispute that the last day for furnishing such account was 03/12/2015. Record reveals that such accounts were tendered on 14/12/2015 and as such, there is a delay of one day.

6. The Appellate Authority while considering the Appeal filed by the respondent elected representatives noted that they have submitted medical certificates indicating some illness. Even otherwise, sub clause (b) below Section 14B(1) permits the authorities to consider the delay and assess whether the said delay deserves to be condoned. The Appellate Authority has considered the delay of one day and has concluded that the delay of one day is well explained and a democratically elected candidate cannot be disqualified for a one day's delay.

7. I do not find that the impugned order deserves to be termed as being perverse or erroneous. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-