

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4191/2018

Kailash Maroti Bhendarkar

..VS..

The DC, Nagpur & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.H. Daga, Advocate for the petitioner
Shri S.P. Deshpande, AGP for the respondent nos. 1, 3 and 4

CORAM : Z.A.HAQ, J.

DATED : 03/12/2018

The petitioner has challenged the order passed by the State Election Commission disqualifying him as per Section 14B of the Maharashtra Village Panchayats Act 1958, from continuing as the member of the Gram Panchayat.

It is undisputed that as per the undertaking given by the petitioner while submitting his nomination papers, he was required to submit the accounts of expenditure to the concerned authority i.e. Tahsildar within 30 days. The petitioner was declared elected on 25/07/2015. The petitioner failed to abide by the undertaking given by him and had not submitted the accounts of expenditure till 28/09/2015. The petitioner submitted the accounts of expenditure on 29/09/2015.

It is argued that the provisions of Section 14B of the Act of 1958 are not mandatory and Section 14B (1) (b) of the Act of 1958 enables the State Election Commission to

condone the lapse/delay in submitting the accounts of expenditure if good reason or justification is shown. However, I find that the petitioner has not been able to justify the delay.

The learned advocate for the petitioner has submitted that the delay in submitting the accounts of expenditure has occurred as the petitioner was not keeping well. To support the submission, the certificate issued by the Doctor on 12/09/2015 is relied upon. The certificate states that the petitioner was suffering from Enteric Fever from 06/08/2015 to 12/09/2015 and that the petitioner was under observation of the Doctor during that period. This certificate does not show that the petitioner was not in a position to get the accounts of expenditure prepared and submit the accounts of expenditure to the concerned authority. Hence, I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari