

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

WRIT PETITION NO. 2850/2022

(filed in the Vacation Court)

Heera Bhimrao Dange ..Versus...Divisional Commissioner and anr

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

Court's or Judge's orders

Mr. Bhushan Dafle, Advocate for Petitioner
Ms. N.P.Mehta, AGP for Respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 01/06/2022

1] Heard Mr. Dafle, learned counsel for the petitioner and Ms. Mehta, learned AGP for State.

2] The petition challenges the order dated 3.2.2022 passed by Respondent No.2 and the subsequent order dated 22.4.2022 passed by Respondent No.1, whereby the petitioner has been disqualified under Section 14B (1)(a) of the Maharashtra Village Panchayat Act for not having submitted the expenses of the election within the time and in the manner required by the State Election Commission.

3] It is contended by Mr. Dafle, learned counsel for the petitioner that the impugned orders are liable to be quashed and set aside as the authorities below have not applied their mind to the contention raised that the election

expenses though required to be submitted online at the relevant period which was during the Covid-19 pandemic, as the elections were held on 15.1.2021 and the declaration of the result was on 18.1.2021 and the period within which the election expenses were to be submitted was 30 days therefrom, was indeed submitted physically to the Tahsildar – Respondent No.3.

4] Learned AGP who takes notice for Respondent Nos. 1 to 3 invites my attention to the order dated 3.2.2022 passed by Respondent No.2 in which it has been specifically recorded in paras 5 and 6 that inspite of the notice under Section 14B (1) (b) of MVP Act, no explanation whatsoever was submitted by the present petitioner, in view of which, the question of considering any justification did not arise and therefore, there is no merit in the petition.

5] Mr. Dafle, learned counsel for the petitioner is unable to point out to me any reply submitted by the petitioner, in pursuance to the notice u/s 14B of the MVP Act and thus, the contention that the expenses for election were submitted physically to the State Election Commission or its representative is totally absent, in view of the fact that no reply was filed before the Respondent No.2 at all. This being the position, the question of considering any reason or justification for failure to submit such account within the time

frame, does not appear to have been raised before the authorities below and therefore did not come up for consideration. In view of this, I do not find any reason to interfere in the concurrent findings rendered by the authorities below. The petition is without any merit and the same is rejected.

JUDGE

Rvjalit