

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

918 WRIT PETITION NO.1051 OF 2023

**KAUSHALAYA AKASH GAJALE & OTHERS
VERSUS
THE ADDITIONAL COMMISSIONER, AURANGABAD
DIVISION, AURANGABAD & OTHERS**

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Advocate for the petitioners : Adv.C.Fernandes h/f.
Mr.S.D.Tekwad

AGP for Respondent-State : Mr.S.P.Tiwari
Advocate for Respondent no.3 : Mr.Ajit Kadethankar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 02.02.2023

P.C. :

1] The learned counsel for the respondent – State Election Commission relying upon upon the clause no.7 (iv) and (v) of the election order No.4 dated 7th September, 2021, submits that there is a special power with the State Election Commission to re-consider the order passed by the Collector, and as such, the petitioner has remedy to apply before the State Election Commission.

2] In view of above, the petitioner is at liberty to approach the State Election Commission for the appropriate relief.

3] Accordingly, the Writ Petition is disposed of with liberty as aforesaid.

4] In the event, the petitioner files an application before the Election Commission, the time spent in prosecuting the present Writ Petition would be excluded under Section 14 of the Limitation Act for computing the period of limitation in filing the appropriate proceedings before the Election Commission.

5] If an application as aforesaid is filed, the Election Commission to decide the same as early as possible, and in any event within a period of three [3] months from the date of filing the application.

[ARUN R. PEDNEKER]
JUDGE