

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 5763 OF 2021

The Maharashtra Cycling Association. ... Petitioner.
V/s.
The Maharashtra Olympic Association
and others. ... Respondents.

Mr.S.A.Rajeshirke for the Petitioner.
Mr.Ajinkya Udane i/b. Mr.Ganesh Gadhe for Respondent No.2.
Mr.Neville D. Deboo with Ruchir Mishra for Respondent No.4.
Mr.M.M.Pable, AGP for Respondent Nos.5 and 7.
Mr.Pranil Sonawane with Raj Chaurasia for Respondent No.6.

**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 12 December 2023.

P.C. :

This petition was filed on 17 September 2023 seeking to question the election to the Executive Council of Respondent No 1- the Maharashtra Olympic Association. Election was to be held by Notifications dated 24 March 2021 and 30 October 2021 for the term 2021–2025. The petition came up before the Division Bench on 22 September 2021, when the Petitioner sought stay of the election process. While notice was issued by the Division Bench, the Division Bench did not grant any interim order making it clear that the election would be subject to the outcome of the petition.

Election thereafter has taken place in the year 2021 itself. After notice, the petition has remained pending, the last date being 20 October 2022. Thereafter it is now placed before us in regular course.

2. To a query as to the remedy available to the Petitioner for challenging the outcome of the election process, the learned counsel for the Petitioner accepts that in respect of earlier election the Petitioner had approached the Charity Commissioner. There is no reason shown to us as to why the Petitioner cannot approach the Charity Commissioner seeking to challenge the election process which the Petitioner had done in the earlier occasion. The only apprehension shown by the Petitioner is that there might be delay in disposal before the Charity Commissioner. If was to be the ground, we note that from 2021 to 2023 this petition has not been circulated and whenever it has come up on board it has been either adjourned for filing rejoinder, with rejoinder not being filed. Therefore mere apprehension of delay before the Charity Authorities cannot be a ground to take up challenge to the election process in writ petition itself. At the most a suitable direction can be given for early disposal of the proceeding before the Charity Authorities in case the Petitioner approaches the Charity Authorities within a stipulated time.

3. Accordingly, keeping all the contentions open, we dispose of the petition directing as follows:

4. If the Petitioner files appropriate proceeding before the concern Charity Authority by 8 January 2024 with notice to the Respondents, then the Charity Authority will list the matter before it on 15 January 2024 when the Charity Authority will set out a time table for completion of pleadings and give a date for argument and if the pleadings are so complete within a time bound period as stated, will proceed to hear the application and pass necessary orders latest by 8 April 2024. These directions are, however, subject to earlier time- bound matters before the Charity Authorities.

5. Writ petition is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)