IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5823 OF 2024

Kanchan Ramesh Nimbalkar ...Petitioner
Versus
The Divisional Commissioner, Pune
Division And Ors. ...Respondents

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Mr. Pradeep Gole, for the Petitioner.

Smt. Snehal S. Jadhav, A.G.P. for the Respondent – State.

Mr. Abhijit B. Kadam for the Respondent Nos.4 & 5.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 2nd JULY, 2024

P.C.:

1. The petitioner has been disqualified under the provisions of Section 14(1)(g) of the Maharashtra Village Panchayat Act, 1958 on the ground that the petitioner has received Rs.50,000/- from one Jackson Ventures Pvt. Ltd. in her personal account, which was part of the amount to be paid by M/s. Jackson Venture Pvt. Ltd. to the Grampanchayat on account of property tax due and payable by the M/s. Jackson Venture Pvt. Ltd. to the Grampanchayat Nimbhore. Both the authorities, have held that the transaction between M/s. Jackson Venture Pvt. Ltd. and the petitioner stands

proved, on account of which disqualification has been incurred by the petitioner.

2. A perusal of the record indicates that on 15.12.2022, (Page-34) the petitioner made a demand of part of the tax due and payable by M/s. Jackson Venture Pvt. Ltd. to the Grampanchayat to be deposited in her personal account. The demand was made on the official letter head of the Grampanchayat in which the RTGS details of the personal account of the petitioner for the aforesaid transfer were given.

3. Mr. Gole, learned counsel for the petitioner does not dispute the communication dated 15.12.2022 (Page-34) and the fact that consequent to the said demand, payment of Rs.50,000/- was received by the petitioner in her personal account from M/s. Jackson Venture Pvt. Ltd., which establishes the fact of receipt by the petitioner, which would indicate the satisfaction of the requirement of the Section 14(1)(g) of the Maharashtra Village Panchayat Act, 1958.

4. Though it is contended that the amount of Rs.50,000/- was demanded and received from M/s. Jackson Venture Pvt. Ltd., was on account of expenses being required for the work of

Grampanchayat, it is however material to note that, even if this reason is considered, the amount could have been sought to be transferred in the account of the Grampanchayat and not in the personal account of the petitioner, who was elected as a Sarpanch.

5. Though it is contented that the amount of Rs.50,000/- was returned back by the petitioner to M/s. Jackson Venture Pvt. Ltd., on account of the same being a loan claimed to be taken by the petitioner from M/s. Jackson Venture Pvt. Ltd. that would instead of supporting the case of the petitioner, on the contrary would point out that the money was received by her not on the basis of the claim that it was required for the work of the Panchayat but otherwise.

6. In view of the above position, I am not inclined to interfere with the impugned orders. The petition is therefore dismissed.

(AVINASH G. GHAROTE, J.)