

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7012 OF 2025**

Vijaykumar Chandrasha KatgaonPetitioner
Vs.
The State Of Maharashtra & Ors.Respondents

Mr. Suhas S. Inamdar, for the Petitioner.
Mr. Sachindra Shetye with Mr. Pruthvi Bendke, for Respondent No.3.
Mr. Manjunath Kakkalmehi, (through vc), for Respondent No.5.
Mr. Sanjay D. Rayrikar, AGP for Respondent Nos.1 & 2-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 17th December 2025

PC:-

1. The Petitioner impugns order dated 23rd April 2025 passed by State Election Commission, Maharashtra in Special Application No.12/2024.
2. The Petitioner had filed a Grampachant Dispute No.1 of 2023 before District Collector, Solapur under Section 14-B of Maharashtra Village Panchayat Act, 1958, seeking disqualification of Respondent No.5 on the ground that she failed to submit election expenses in the manner as prescribed by Election Commission.

3. The District Collector vide his order dated 4th September 2024, allowed dispute and disqualified Respondent No.5 from the post of Member of Village Panchayat, Handral, Taluka- Akkalkot, District- Solapur for period of five years from date of order. The Respondent No.5 thereafter, approached State Election Commission by filing Special Application No.12 of 2024 under Section 14(b)(2) of Maharashtra Village Panchayat Act, 1958.

4. The State Election Commission observed that, although there were some discrepancies in the account of expenses, considering illiteracy of Respondent No.5, same can be condoned. Further, for a mere technical violation, particularly when accounts were submitted within stipulated time, Respondent No. 5 cannot be disqualified.

5. Mr. Inamdar, learned advocate appearing for Petitioner, invites attention of this Court to directions dated 15th October 2016 issued by Election Commission and submits that manner of maintaining election expenses has been prescribed therein. Every candidate contesting election is required to open an independent bank account, incur election expenses through such account, and submit details of such expenses.

6. He would further point out that there were discrepancies in account of election expenses submitted by Respondent No.5, therefore, she has incurred disqualification. As such District Collector has rightly appreciated material and recorded finding of disqualification, which ought to have been maintained.

7. Mr. Inamdar relies on observations of Division Bench of this Court in *Rohini Balasaheb Lawande v. Divisional Commissioner, Nashik Division, Nashik*¹, decided on 4th May 2021 and submits that it was mandatory for Respondent No.5 to furnish statement of election expenses within time and in manner prescribed. Mr. Inamdar also objects to observation of State Election Commission that, for alleged defaults of Respondent No.5, remedy under Section 15 of Maharashtra Village Panchayats Act ought to have been invoked.

8. Per contra learned advocate appearing for Respondent No.5 supports impugned order.

9. Mr. Shete, learned advocate appearing for State Election Commission, submits that a pragmatic view of matter has been taken by Commission, considering nature of breach against Respondent

¹ Writ Petition No. 3639 of 2020

No.5, hence order of disqualification passed by Collector has been set aside.

10. Having considered submissions advanced, it can be observed that it is prerogative of Election Commission to Rule on disqualification and prescribe manner of disqualification under Section 14(b)(2) of Maharashtra Village Panchayat Act, 1958.

11. The impugned order suggests that looking to illiteracy and practical difficulties in banking process, Election Commission took a pragmatic view of matter and found that for technical violation the order of disqualification as passed by Collector cannot be sustained in law.

12. Apparently, Respondent No. 5 submitted of election expenses within stipulated period in prescribed format. The only objection is that such expenses were not made through a dedicated bank account. However, requirement of making election expenses through a particular or dedicated bank account does not appear to be mandatory. Further, considering very small amount of expenses involved and nature of expenses, minor discrepancy in expenses

shown compared to supporting bills would not bring disqualification of Respondent No.5 i.e. elected candidate. The State Election Commission, therefore, took a pragmatic view of matter while setting aside order of disqualification passed by District Collector.

13. This Court do not find any reason to cause interference under Article 227 of Constitution of India in impugned order. Hence, Writ Petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)