

ITEM NO.9 Court 2 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 1881/2021 in SLP(C) No. 7280/2018

DILIP GOPICHAND PANDE & ANR. Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

IN THE MATTER OF

SHRI PRAVINKUMAR @BALASAHEB NAHATA

Applicant(s)

(FOR ADMISSION and IA No.146249/2021-INTERVENTION/IMPLEADMENT and IA No.146251/2021-MODIFICATION and IA No.146246/2021-APPLICATION FOR PERMISSION)

Date : 03-12-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Satyajit A. Desai, Advocate
 Mrs. Anagha S. Desai, AOR
 Mr. Siddharth Gautam, Advocate
 Mr. Himanshu Sharma, Advocate

For Respondent(s) M/S. Lambat & Legiteam, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the parties.

The applicant has approached this Court seeking impleadment as respondent with application for permission to file impleadment application.

The dispute agitated before the High Court- which is the subject matter of Special Leave Petition before this Court was with regard to the elections of the Maharashtra State Cooperative

Marketing Federation.

This Court had directed that the elections scheduled for 21.03.2018 be held, but "the result shall not be declared and be kept in a sealed cover until all the writ petitions are decided finally by the High Court"

This Court also requested the High Court to decide all five writ petitions expeditiously.

Apparently, the writ petition, in question, which was pending before the Nagpur Bench of the Bombay High Court (Writ Petition No.1500/2018) was transferred to the Principal Bench at Mumbai and tagged alongwith the other proceedings.

Writ Petition No.1500/2018 was renumbered as Writ Petition No.4545/2018.

The elections proceeded as scheduled. However, in compliance of this Court's order, results were not declared.

When the applicant approached the Election Officer to declare the results, he was informed that the writ petition transferred from Nagpur to Mumbai (Writ Petition No.4545/2018) had been disposed of as withdrawn and that the High Court had not issued any order with regard to the results of the elections. As a result, the Returning Officer felt constrained and did not declare the result.

Having considered the applications as well as the orders of this Court, we are of the opinion that the applicant should approach the High Court in the disposed of writ petition (Writ

Petition No.4545/2018) with an appropriate application for declaration of results.

We request the High Court to consider the application on its own merits and not dispose it merely on the ground that the present applicant was not a party or that the writ petition was withdrawn. Given the peculiar circumstances of the case- especially that the election results were directed to be kept in abeyance by virtue of the order of this Court, the Applications are disposed of in above terms.

The Miscellaneous Application is disposed of accordingly.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER