

ITEM NO.89

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1389/2019

MAHUA MOITRA

Petitioner(s)

VERSUS

ELECTION COMMISSION OF INDIA

Respondent(s)

[ONLY I.A NO. 115592/2024-APPLICATION FOR CLARIFICATION/DIRECTION
 IN W.P.(C) NO.1382/2019 IS LISTED UNDER THIS ITEM.]

WITH

W.P.(C) No. 1382/2019 (PIL-W)
 (FOR CLARIFICATION/DIRECTION ON IA 115592/2024)

Date : 17-05-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Sameer Shrivastava, AOR

Mr. Prashant Bhushan, AOR
 Mr. Prashant Bhushan, Adv.
 Ms. Neha Rathi, Adv.
 Ms. Kajal Giri, Adv.
 Ms. Shivani Kapoor, Adv.

For Respondent(s) Mr. Maninder Singh, Sr. Adv.
 Mr Amit Sharma, AOR
 Mr. Dipesh Sinha, Adv.
 Ms Pallavi Barua, Adv.
 Ms. Aparna Singh, Adv.

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

- 1 Mr Maninder Singh, senior counsel appearing on behalf of the Election Commission of India submits that in the judgment which was delivered by this

Court on 26 April 2024, various facets have been analysed including the provisions of Rule 49S and Form 17C on which reliance is now placed again on behalf of the applicants.

- 2 On the other hand, Mr Prashant Bhushan, counsel appearing on behalf of the applicant submits that the specific issue which is sought to be raised in the present Interlocutory Application was not the matter in contest before the Bench when the judgment was rendered in the previous instance.
- 3 Mr Maninder Singh has submitted that four phases of the election have already been completed and since the petition was being pending over nearly four years, the Election Commission of India should be given a fair opportunity to deal with contents of the IA at this stage without prejudice to its objections to maintainability.
- 4 We find that the request which has been made on behalf of the Election Commission of India to be fair. We accordingly grant a week's time to the Election Commission of India to file a response to the IA.
- 4 The Application be listed before the assigned Bench on 24 May 2024.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(POOJA SHARMA)
COURT MASTER