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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8363/2010

COMMON CAUSE A REGD. SOCIETY Petitioner
Through: Mr. Rohit Kumar Singh, Adv.

Versus

BAHUJAN SAMAJ PARTY Respondent
Through: Mr. P.R. Chopra, Adv.
Mr. Satish Chandra Mishra, Sr. Adv.
with Mr. Ashok Chhabra and Mr.
Shail Kumar Dwivedi, Advs. for BSP.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.02.2016**

1. This petition has been pending in this Court for the last over five years.
2. Today, when it is taken for hearing, the senior counsel for the respondent Bahujan Samaj Party (BSP) contends that the order of the Election Commission of India (ECI) under challenge in this petition came to be passed in pursuance to an order of the Supreme Court in a petition filed by some other person and which petition is still pending before the Supreme Court and the order of the ECI has been placed before the Supreme Court for further consideration in that proceeding. He thus contends that the hearing of this petition be deferred till the decision of the Supreme Court.

3. It is however enquired from the senior counsel for the respondent BSP, as to why in the last over five years, the respondent BSP did not have this petition transferred to the Supreme Court or seek a clarification in this respect from the Supreme Court, particularly when it is mentioned that in the said five years, the petition in the Supreme Court has been taken up on several occasions.

4. It is the contention of the counsel for the petitioner that though the order of the ECI is the same in both the petitions but is also on a petition filed by the petitioner herein before ECI and the petitioner herein is not a party before the Supreme Court and the nature of the relief claimed by the petitioner is also materially different from the relief claimed in the petition pending before the Supreme Court.

5. Option has been given to the senior counsel for the respondent BSP that this petition would be adjourned for a period of one month to enable the respondent BSP to seek directions from the Supreme Court.

6. However the senior counsel for the respondent BSP, under instructions, has not pressed the said preliminary objection and states that this Court may proceed with the hearing of this petition.

7. The counsels have been heard.

8. Judgment reserved.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 25, 2016

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