ITEM NO.10 COURT NO.4 SECTION XVI

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.8359/2022

(Arising out of impugned final judgment and order dated 26-04-2022 in WPA(P) No.91/2022 passed by the High Court at Calcutta)

WEST BENGAL STATE ELECTION COMMISSION & ANR.

Petitioner(s)

VERSUS

SOUMENDU ADHIKARI & ORS.

Respondent(s)

(With I.R. and IA No.67538/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date: 09-05-2022 This petition was called on for hearing today.

CORAM:

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Rakesh Dwivedi, Sr. Adv.

Mr. Jaideep Gupta, Sr. Adv.

Mr. Kunal Chatterji, AOR

Ms. Maitrayee Banerjee, Adv.

Mr. Rohit Bansal, Adv.

For Respondent(s) Mr. P.S. Patwalia, Sr. Adv.

Ms. Bansuri Swaraj, Adv.

Mr. Siddhesh Kotwal, Adv.

Mr. Rajdeep Majumdar, Adv.

Ana Upadhyay, Adv.

Ms. Manya Hasija, Adv.

Mr. Akash Singh, Adv.

Ms. Preeti Singh, Adv.

Ms. Harshika Verma, Adv.

Mr. Nirnimesh Dube, AOR

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

- 1 We have heard Mr Rakesh Dwivedi, senior counsel appearing on behalf of the petitioners and Mr P S Patwalia, senior counsel for the first respondent, who is the original petitioner before the High Court.
- The submission which has been urged on behalf of the petitioners is that by issuing a slew of directions, including among them the conducting of a forensic audit by the Central Forensic Science Laboratory, the High Court has transgressed the limits of its jurisdiction under Article 226 of the Constitution, particularly after the election process has been concluded and the results have been declared.
- The issue as to whether the directions which have been issued by the High Court can obviate the filing of an election petition for challenging the outcome of the elections merits further consideration. In order to enable the Court to do so, notice shall issue.
- 4 Mr P S Patwalia, senior counsel accepts notice on behalf of the first respondent.
- 5 Counter affidavit be filed within a period of four weeks. Rejoinder, if any, be filed within a period of three week thereafter.
- 6 List the Special Leave Petition on 26 July 2022.
- Pending further orders, there shall be a stay of the impugned order of the High Court dated 26 April 2022 and the stay of further proceedings before the High Court in PIL No 91 of 2022

(CHETAN KUMAR) A.R.-cum-P.S. (SAROJ KUMARI GAUR)
Court Master