

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

Petition(s) for Special Leave to Appeal (C) No(s).10559/2022

(Arising out of impugned final judgment and order dated 30-05-2022 in WA No. 408/2022 passed by the High Court of Karnataka at Bengaluru)

K. SRINIVAS & ORS.

Petitioner(s)

VERSUS

THE KARNATAKA STATE ELECTION COMMISSION & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.83818/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.83819/2022-EXEMPTION FROM FILING O.T. and IA No.83820/2022-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER and IA No.83821/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-06-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE ANIRUDDHA BOSE
(VACATION BENCH)

For Petitioner(s) Ms. Vibha Dutta Makhija, Sr. Adv.
Mr. Mayank Jain, Adv.
Mr. Parmatma Singh, AOR
Ms. Madhu Jain, Adv.
Mr. Bani Makhija, Adv.
Mr. Karan Mangain, Adv.

For Respondent(s)

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

Ms. Vibha Dutta Makhija, learned Senior Advocate appearing on behalf of the petitioners, has submitted that the show-cause notice dated 27.01.2020 was served upon the petitioners on 15.06.2020 and that within a period of two days, the petitioners herein did submit their reply to the show-cause notice along with the statement of expenditure as required to be furnished.

It is vehemently submitted that despite the above, the

Election Commission has passed an order disqualifying the petitioners on the basis of the report submitted by the Deputy Commissioner, Bengaluru, Urban District dated 11.10.2021 that 'even though notice has been issued by the Commission to the candidates who have not submitted the details of election expenditure, they have not submitted any explanation and also the details of the election expenditure.'

It is submitted that therefore, the entire order passed by the State Election Commission is on the footing and/or on the premise that the petitioners did not reply to the show-cause notice and did not make any representation as provided under Rule 22(C)(6) of the Karnataka Municipalities (Election of Councillors) Rules, 1977 and did not produce the details of election expenditure.

It is submitted that the aforesaid aspects have not been considered either by the learned Single Judge and/or by the Division Bench.

Issue notice, so far the petitioners are concerned, returnable on 15.06.2022.

Dasti, in addition, is permitted.

It is made clear that the present order shall be confined to the petitioners only. It will be open to the learned counsel for the petitioners, to serve one advance copy on the counsel appearing for the State Commission, who may be in the panel of the Supreme Court.

(SWETA BALODI)
COURT MASTER (SH)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR