

ITEM NO.9

COURT NO.4

SECTION XVI

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

Civil Appeal No(s).5451/2023

SUVENDU DEY & ORS.

Appellant(s)

VERSUS

ELECTION COMMISSION OF INDIA & ORS.

Respondent(s)

IA No.79140/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 06-05-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) Mr. Devadatt Kamat, Sr. Adv.
Ms. Mithu Jain, AOR
Mr. Harsh Pandey, Adv.

For Respondent(s) Mr. P.S.Patwalia, Sr. Adv.
Mr. Siddhesh Shirish Kotwal, AOR
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Mr. Tejasvi Gupta, Adv.
Mr. Pawan Upadhyay, Adv.
Mr. T.illayarasu, Adv.

Mr. Ankit Agarwal, AOR
Mr. Atul Raj, Adv.
Mr. Jayant Rao, Adv.

Mr. Srisatya Mohanty , AOR
Ms. Anju Thomas, AOR
Mr. Shashank Tripathi , AOR

Ms. Kajal Dalal, AOR

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

1. Heard learned Senior Counsel for the parties and carefully perused the material placed on record.
2. Pursuant to a self-speaking order passed by this Court on 26.04.2024, respondent No.3 has filed the Compliance Affidavit. It

is not necessary to go into the explanation rendered in that Affidavit except to take note of the subsequent event, namely, that respondent No.3 made an oral mentioning before the High Court on 29.04.2024 to permit him to withdraw the Election Petition. The High Court, on that day, directed the petitioner to file an appropriate application in terms of Section 109 of the Representation of Peoples Act, 1951 by 03.05.2024.

3. In his affidavit, respondent No.3 explains that such an application has already been moved, a copy whereof has been appended with the affidavit, and the said application is now listed before the High Court on 09.05.2024.

4. We see no impediment for the High Court not to accept the application and consequently dismiss the Election Petition.

5. We, therefore, request the High Court to pass an appropriate order, in all circumstances, on 09.05.2024.

6. No sooner the Election Petition is dismissed as withdrawn, learned counsel appearing on behalf of the Election Commission of India states that he shall have instructions to hold the bye-election in accordance with Section 151A of the Representation of Peoples Act, 1951. Learned counsel for the Election Commission of India shall have specific instructions in this regard on the next date of hearing.

7. Post the matter for hearing on 13.05.2024.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)