

ITEM NO.305

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
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 1089/2025

MOSTARI BANU

Petitioner(s)

VERSUS

THE ELECTION COMMISSION OF INDIA & ORS.

Respondent(s)

(IA No. 96030/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 287398/2025 - GRANT OF INTERIM RELIEF, IA No. 95751/2026 - INTERVENTION APPLICATION, IA No. 76867/2026 - INTERVENTION/IMPLEADMENT and IA No. 86454/2026 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH

W.P. (C) No. 737/2025 (PIL-W)

(IA No. 27103/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 1908/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 27104/2026 - EXEMPTION FROM FILING O.T., IA No. 303592/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No. 183939/2025 - STAY APPLICATION)

W.P. (C) No. 1074/2025 (PIL-W)

(IA No. 26838/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 1884/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 26839/2026 - EXEMPTION FROM FILING O.T., IA No. 303210/2025 - STAY APPLICATION and IA No. 284001/2025 - STAY APPLICATION)

W.P. (C) No. 1088/2025 (PIL-W)

(IA No. 287351/2025 - STAY APPLICATION)

W.P. (C) No. 1216/2025 (PIL-W)

(IA No. 317082/2025 - CLARIFICATION/DIRECTION)

W.P. (C) No. 119/2026 (PIL-W)

(IA No. 30760/2026 - EARLY HEARING APPLICATION, IA No. 30759/2026 - GRANT OF INTERIM RELIEF and IA No. 30347/2026 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P. (C) No. 126/2026 (PIL-W)

(IA No. 32266/2026 - EXEMPTION FROM FILING O.T.)

W.P. (C) No. 129/2026 (PIL-W)

W.P. (C) No. 159/2026 (PIL-W)

Diary No(s). 68938/2025 (PIL-W)

(IA No. 66269/2026 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 06-04-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. V. Giri, Sr. Adv.
Ms. Sanjana Saddy, AOR
Mr. Akshay Narang, Adv.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Prashanto Chandra Sen, Sr. Adv.
Mr. Haris Beeran, Adv.
Mr. Muhammad Ali Khan, Adv.
Mr. Azhar Assees, Adv.
Mr. Anand B. Menon, Adv.
Mr. Amit Bhandari, Adv.
Ms. Rizwana R. Raj, Adv.
Mr. Omar Hoda, Adv.
Mr. Shaswat Jena, Adv.
Ms. Eesha Bakshi, Adv.
Mr. Firdous Samim, Adv.
Mr. Udyia Bhatia, Adv.
Mr. Kamran Khan, Adv.
Mr. Gopa Biswas, Adv.
Mr. Surya Kiran Singh, Adv.
Mr. Aviral Jain, Adv.
Ms. Ayesha Khan, Adv.
Mr. Sayantan Chanda, Adv.
Ms. Rajlaxmi Singh, Adv.
Ms. Vanisha Mehta, Adv.
Mr. Usman Ghani Khan, AOR

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Sabyasachi Chatterjee, Adv.
Mr. Akashdeep Mukherjee, Adv.
Mr. Sayan Banerjee, Adv.
Mr. Badrul Karim, Adv.
Mr. Kiron Sk, Adv.
Mr. Rishabh Ahmad Khan, Adv.
Mr. Md Shah Minhajuddin, Adv.
Mr. Md Adil Khan, Adv.
Mr. Subhro Prokas Mukherjee, AOR

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Mr. Akshay Luthra, Adv.
Mr. Saishir Divatia, Adv.
Mr. Ankur Singhal, Adv.

Mr. K. Shiva, AOR
Petitioner-in-person

For Respondent(s) : Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Prateek Kumar, AOR
Mr. Abhinav Thakur, Adv.
Mr. Deepak Sharma, Adv.
Mr. Devansh Rai, Adv.
Mr. Kumar Utsav, Adv.
Mr. Anamika Mishra, Adv.
Ms. Simran Parmar, Adv.
Ms. Teesha, Adv.
Ms. Ananya Mishra, Adv.

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Mr. Kunal Mimani, AOR
Ms. Mahima Cholera, Adv.
Ms. Shraddha Chirania, Adv.
Mr. Shaurya Dasgupta, Adv.

Mr. R. Venkataramani, Attorney General
Mr. Tushar Mehta, Solicitor General
Mr. K.M. Nataraj, A.S.G.
Mr. S.V. Raju, A.S.G.
Mr. Vikramjeet Banarjee, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Madhav Sinhal, Adv.
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Mr. Aman Mehta, Adv.
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Mr. Udit Dediya, Adv.
Mr. Kartikay Aggarwal, Adv.
Mr. Raman Yadav, Adv.
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Ms. Anukriti Bajpai, Adv.

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Mr. Vikramjit Banerjee, A.S.G.
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Mr. Barun Kumar Sinha, Adv.
Mrs. Pratibha Sinha, Adv.
Mr. Sneh Vardhan, Adv.
Mr. Rakesh Mudgal, Adv.
Mr. Chhail Bihari Singh, Adv.
Mr. Pankaj Kumar Shukla, Adv.
Mr. Ritu Raj, Adv.
Mrs. Kanika, Adv.
Mr. Vaibhav Singh, Adv.
Mr. Anantha Narayana M.G., AOR

For Intervenor
(IA No. 102323/2026)

Mr. Jaideep Gupta, Sr. Adv.
Ms. Anju Thomas, AOR
Ms. Pratibha Yadav, Adv.

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

1. The Election Commission of India (ECI) notified 19 Appellate Tribunals on 20.03.2026, before whom the decision taken by the judicial officers while disposing the objections in the SIR process, could be challenged. These Appellate Tribunals are headed by former Chief Justices/senior Judges of the High Court. The premises shortlisted for the functioning of these appellate tribunals are duly mentioned in paragraph 6 of our order dated 01.04.2026. We also clarified through paragraph 9 of that order that the alleged non-availability of reasons for rejection of the objections by the adjudicating officers could be raised before the Appellate Tribunals by persons whose names have been excluded from the voters' list or by such objectors/authorities of the ECI, who might be aggrieved by the inclusion of certain names in the voter list.

2. To eliminate any further doubt, we requested the Appellate Tribunals to revisit the full records, including the reasons assigned by the judicial officers. It was further clarified through the aforementioned order that the Appellate Tribunals will be free to evolve their own procedure in accordance with the principles of natural justice and that they may provide a fair opportunity of being heard to the parties while deciding the appeals.

3. Meanwhile, a letter was received by Hon'ble the Chief Justice of the High Court from a former Chief Justice, who has graciously consented to preside over one of the Appellate Tribunals. Vide

such a letter, the issue regarding the procedure for providing 'personal hearing' to the affected party has been highlighted.

4. In this regard, it appears to us that, in order to establish uniformity in the procedures to be followed by all 19 Appellate Tribunals, it is essential for such procedures to be formally established prior to the adjudication of appeals. Consequently, we request the Chief Justice of the High Court at Calcutta to constitute a Committee of three former Chief Justices or Judges, who will establish the procedure that must be consistently followed by all 19 Appellate Tribunals. We urge the Hon'ble Chief Justice to constitute this Committee without delay and to endeavour to have the procedure prescribed by tomorrow, i.e., 07.04.2026, to accelerate the resolution of the appeals.

5. We further find from the record that the Registrar General of the High Court at Calcutta has requested the ECI vide e-mail dated 05.04.2026 to clarify certain issues, namely, when the venue of the Appellate Tribunals will be ready to be functional in all respects. We are informed by Mr. Dama Seshadri Naidu, learned senior counsel appearing for the ECI, on instructions, that the requisite infrastructure has been made available and the Appellate Tribunals are ready to function from the allocated premises.

6. The second query concerns the payment of honorarium and other incidental expenses to former Judges of the Appellate Tribunals. Let the ECI issue a formal notification/circular by tomorrow, i.e., 07.04.2026, and ensure that the necessary payments, according to the notified rates, are made to all members of the Appellate Tribunals.

7. The third issue, equally important, concerns the receipts to be issued for appeals filed offline.

8. The ECI has already notified on 20.03.2026 that appeals can be filed either online through the ECI NET platform or physically at the office of the DM/SDM/SDO, who shall ensure digitisation and uploading of the appeal on the ECI NET platform at the earliest. It goes without saying that when the appeal is filed offline, the office of DM/SDM/SDO will issue a requisite receipt or acknowledgment of such filing.

9. Since we are informed that the entire exercise of deciding objections in the SIR process is likely to be completed by the judicial officers today, the ECI is directed to publish a supplementary list tonight even in the absence of digital signatures on all the verified objections. For the limited purpose of digitized signatures, the officers shall be reassigned login access and the portal will remain open on 07.04.2026 as well.

10. Additionally, we are informed that the applicant/his family members in IA No.102323/2026 have already filed an appeal before the Appellate Tribunal against the exclusion of their names from the voter list. If that is the case, we request the Appellate Tribunal to take up that appeal on 13.04.2026 for final hearing. Mr. Dama Seshadri Naidu, the learned senior counsel, assures that necessary assistance will be provided to the Appellate Tribunal for adjudication of the appeal on the scheduled date.

11. Regarding the un-numbered IA in W.P.(C) No. 1216/2025, as referred to in paragraph 1 of our order dated 01.04.2026, the learned senior counsel for the ECI seeks and is granted time to

obtain instructions on 13.04.2026.

12. Post these matters on 13.04.2026 at 3:00 P.M.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR

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5. We further find from the record that the Registrar General of the High Court at Calcutta has requested the ECI vide e-mail dated 05.04.2026 to clarify certain issues, namely, when the venue of the Appellate Tribunals will be ready to be functional in all respects. We are informed by Mr. Dama Seshadri Naidu, learned senior counsel appearing for the ECI, on instructions, that the requisite infrastructure has been made available and the Appellate Tribunals are ready to function from the allocated premises.

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11. Regarding the un-numbered IA in W.P.(C) No. 1216/2025, as referred to in paragraph 1 of our order dated 01.04.2026, the learned senior counsel for the ECI seeks and is granted time to

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(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

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ASSISTANT REGISTRAR