

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
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

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

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

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

WITH

ITEM NO. 55

Writ Petition(s) (Civil) No(s). 462/2026

Date : 13-04-2026 These matters were called on for hearing today.

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

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UPON hearing the counsel the Court made the following

O R D E R

1. Some of these writ petitions, interlocutory applications, and miscellaneous applications have been filed by individuals whose names have been deleted from the electoral roll and who appear to have preferred appeals before the Appellate Tribunal(s). These petitioners have, accordingly, sought the following directions from this Court:

- a. A direction commanding the respondent authorities to restore the names of the petitioners to the electoral roll;
- b. A direction to the respondent authorities to forthwith operationalise the Appellate Tribunal(s), as mandated by

this Court in its order dated 10.03.2026 in W.P. (C) No. 1089/2025 and subsequent orders, by establishing a proper online and offline mechanism for the filing of appeals along with all relevant documentary evidence;

- c. An ad interim and interim order, pending final disposal of the present proceedings, directing the respondent authorities to restore the names of the petitioners to the electoral roll;
- d. An order quashing the decision of the respondent authorities to place the names of the petitioners in the 'Adjudication Deleted List' as being arbitrary, illegal, and void;
- e. Such further orders or directions as this Court may deem fit and proper in the facts and circumstances of the case, in the interests of justice.

2. To briefly advert to the contextual background of the present case, it concerns the Special Intensive Revision (SIR) process initiated in the State of West Bengal, which has been challenged in the present batch of writ petitions. In light of the allegations and counter-allegations levelled against officers of the State of West Bengal as well as those deputed by the Election Commission of India (ECI) in relation to the conduct of the SIR process, this

Court, in exercise of its powers under Article 142 of the Constitution of India and with the consent of the parties, entrusted the adjudication of objections and claims concerning inclusion into the voter list to Judicial Officers of the State of West Bengal. These officers were duly assisted by Judicial Officers from the States of Jharkhand and Odisha.

3. In this respect, it is imperative to note certain material developments which have arisen, which in turn have a direct bearing on the manner in which the reliefs set out above are liable to be considered. In our view, the prayers set out hereinabove run contrary to the scheme laid out by this Court, inasmuch as, upon verification by the Judicial Officers entrusted with such exercise pursuant to the directions of this Court, the petitioners have been found to be not genuine. We say so because such verification displaces the presumption of correctness that was attached to their prior inclusion, particularly when viewed in light of the fact that the exercise has been undertaken by a neutral body comprising presently serving Judicial Officers.

4. Further, with a view to eliminating even the slightest possibility of wrongful inclusion or exclusion at such initial stage of verification, we deemed it appropriate to constitute Appellate Tribunals *vide* our order dated 10.03.2026, once again exercising our powers under Article 142 of the Constitution of

India, comprising former Chief Justices and Judges of the High Court of Calcutta and neighboring States. This was intended to provide a mechanism of appeal for individuals whose claims for inclusion in the electoral roll had been rejected by the Judicial Officers, as well as to afford an opportunity to those raising objections to any inclusions that had been effected.

5. Accordingly, these Appellate Tribunals were entrusted with the responsibility of adjudicating such appeals by revisiting the entire record, including the reasons assigned by the Judicial Officers while deciding the objections, and thereafter rendering a final determination on the appeals preferred before them. They were also required to duly communicate the reasons for their decisions to the concerned parties.

6. As things stood thus, Hon'ble the Chief Justice of the High Court has sent us a D.O. Letter of even date, informing us as follows:

"Under the direction and supervision of the Hon'ble Bench presided over by Your Lordship, we started the SIR exercise in the State of West Bengal in the last week of February, 2026. The Judicial Officers of the State with the assistance of the Judicial Officers of Jharkhand and Odisha have completed the herculean task of deciding more than sixty lakh objections in the SIR process in the first week of April, 2026.

*.....
Since thereafter all the Judicial Officers of this State and the States of Jharkhand and Odisha have reported back to their places of previous posting."*

7. Vide the said communication, Hon'ble the Chief Justice of the High Court further apprised us that, in furtherance of our order dated 06.04.2026, a Committee comprising three former Judges: Justice T.S. Sivagnanam, former Chief Justice of the High Court at Calcutta, along with Justice Pradipta Ray and Justice Pranab Kumar Deb, former Judges of the High Court at Calcutta, had been constituted on 06.04.2026 for the purpose of formulating the procedure to be followed by all Appellate Tribunals. The said Committee thereafter prepared a Standard Operating Procedure on 07.04.2026 to be uniformly adhered to by all 19 Appellate Tribunals.

8. Thereafter, it appears that a team from the High Court conducted an inspection of the venue designated to house the Appellate Tribunals on 10.04.2026, in order to assess preparedness. On 12.04.2026, a portal introduction session and interactive meeting were convened in the presence of Hon'ble the Chief Justice of the High Court, the Members of the Committee, and the Members of the Appellate Tribunals, wherein an in-depth discussion was held regarding the operation of the appellate portal as well as the *modus operandi* to be followed. The Appellate Tribunals were thereafter scheduled to commence functioning from 13.04.2026.

9. Having regard to these developments, it is evident that all requisite training for the Members of the Appellate Tribunals stands completed and that, as on date, the Appellate Tribunals are fully functional. At this juncture, we hasten to note that over 34 lakh appeals have already been filed, not only against alleged wrongful exclusion, but also, in a substantial number of cases, by objectors aggrieved by the inclusion of several persons in the revised electoral rolls. All such appeals are, therefore, required to be adjudicated by the Appellate Tribunals in accordance with the Standard Operating Procedure formulated by the Committee, as well as the parameters indicated in our order dated 01.04.2026, which read as follows:

"10. To eliminate any doubt, we request the Appellate Tribunals to revisit the full records, including the reasons assigned by the Judicial Officers while adjudicating the objections, before making a decision on the appeals filed before them, and also to inform the parties of these reasons. The Appellate Tribunals are free to evolve their own procedures in accordance with the principles of natural justice, and are requested to adjudicate the appeals after providing the parties with a fair opportunity of being heard."

10. There is thus no gainsaying that, keeping in mind the multi-tiered safeguards put in place by this Court, it becomes clear that if an appeal is allowed by the Appellate Tribunal and a conclusive direction for inclusion or exclusion is issued, such directions shall be duly effectuated prior to the State of West Bengal proceeding to polling on 23.04.2026 or 29.04.2026, as the case may be.

11. We, therefore, invoke our powers under Article 142 of the Constitution of India and direct the ECI that, wherever the Appellate Tribunals are able to decide the appeals by 21.04.2026 or 27.04.2026, as the case may be, such appellate orders shall be given effect to by issuing a supplementary revised electoral roll, and all necessary consequences with respect to the right to vote shall follow. However, it goes without saying that the mere pendency of appeals preferred by excluded persons before the Appellate Tribunals shall not entitle them to exercise their right to vote.

12. If such a scenario were to be permitted to subsist, the consequence would be that objectors may likewise seek denial of the right to vote to those individuals whose names appear in the revised electoral roll, but against whom such objectors have preferred appeals. The resultant situation would effectively recreate the very state of affairs that existed prior to the entrustment of the verification exercise to the Judicial Officers. This, in our considered view, cannot be permitted, particularly when Judicial Officers from the State of West Bengal, duly assisted by Judicial Officers from the States of Jharkhand and Odisha, have completed what can only be described as a truly herculean task within a remarkably short span of time.

13. At this stage, we consider it necessary to place on record our acknowledgement and appreciation of the dedication and perseverance exhibited by these Judicial Officers, particularly in the face of exceptionally challenging and adverse circumstances.

14. Finally, the counsel for the petitioners in WP (C) No. 462/2026 submits that an appeal has already been filed before the Appellate Tribunal. In our considered view, the rest of the apprehensions expressed in this writ petition are thus premature in light of the reasons set out above. It goes without saying that if the petitioners' appeal is allowed, the necessary consequences as enumerated shall follow. The petitioners, if so advised, may therefore approach the Appellate Tribunal before whom their appeal is listed and make out a case of out of turn hearing. It is clarified that we have not expressed any opinion on merits of the case.

15. The Writ Petition (W.P. (Civil) No. 462/2026) accordingly stands disposed of with pending application(s), if any.

16. List the main matters (W.P. (Civil) No. 1089/2025 and connected matters) on 24.04.2026.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR