



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

BEFORE THE ELECTION COMMISSION OF INDIA

CORAM:

(HON'BLE DR. VIVEK JOSHI)
ELECTION COMMISSIONER

(HON'BLE SH. GYANESH KUMAR)
CHIEF ELECTION COMMISSIONER

(HON'BLE DR. SUKHBIR SINGH SANDHU)
ELECTION COMMISSIONER

Dispute Case No. 01 of 2026

In re: Dispute Case No. 01 of 2026 – Dispute in All India Trinamool Congress - dispute under Paragraph 15 of the Election Symbols (Reservation & Allotment) Order, 1968

Shri Ritabrata Banerjee and others

Vs.

Ms. Mamata Banerjee and others

ORDER

The All India Trinamool Congress (hereafter referred as 'the party') is a recognized State Party in the States of West Bengal, Meghalaya and Tripura with the symbol "Flowers & Grass" allotted as its reserved symbol in the said states under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968 ('Symbols Order' for short).

2. On **23.06.2026**, Ms. Mamata Benerjee, vide letter dated **22.06.2026**, informed the Commission that at a meeting of AITC National Working Committee held on **20.06.2026**, the Chairperson has declared the names of the Office Bearers and members of the National Working Committee of All India Trinamool Congress (AITC). Along with the said letter, list of office bearers of AITC and AITC National Working Committee as on 20.06.2026 was enclosed.

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“मजबूत लोकतंत्र - सबकी भागीदारी”
“Greater Participation for a Stronger Democracy”

अश्वनी कुमार मोहल
ASHWANI KUMAR MOHAL
सचिव / Secretary
भारत निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन/Nirvachan Sadan
अशोक रोड / Ashoka Road
नई दिल्ली-110001 / New Delhi-110001

3. On **23.06.2026**, Sh. Ritabrata Banerjee vide letter dated **22.06.2026** informed the Commission that the tenure of the National Working Committee of AITC has expired on **11.02.2025** and that upon the expiry of the said tenure, the National Working Committee ceased to have constitutional mandate or authority to continue in office or exercise any powers vested therein under the Constitution of the AITC. Shri Ritabrata Banerjee further stated that any appointments, including appointment made on 05.06.2026, by persons claiming to act in the name of the erstwhile National Working Committee, are wholly without authority, contrary to the provisions of the Constitution, and are therefore void ab initio, unconstitutional, and non-est in the eyes of law. Shri Banerjee further informed that to preserve the organisational integrity of the AITC, it became expedient to convene a Special Session of the AITC for the purpose of taking appropriate decisions including the constitution of the AITC and its National Working Committee. Consequently a Special Session of the AITC was convened on 22.06.2026 at 5 PM at Novotel Hotel, Kolkata, in accordance with the established practice and constitutional framework of the party. The Session was attended by the member electorates and senior party functionaries, including former Cabinet Ministers, sitting and former MLAs, and former District Presidents among others. The attendee delegates of the session, unanimously elected Shri Arup Roy as the Chairperson of National Working Committee of AITC. Sh. Banerjee had enclosed a copy of minutes of the Special Session held on 22.06.2026, list of Office Bearers of AITC as on 22.06.2026, list of AITC National Working Committee as on 22.06.2026 and specimen signatures of Sh. Arup Roy.
4. On **24.06.2026**, Sh. Derek O'Brien vide his letter dated **23.06.2026** requested the Commission to upload on the Commission's website the latest copy of the party constitution submitted by the party on **07.03.2026** and the updated list of Office Bearers and members of National Working Committee of AITC submitted to the Commission on 22.06.2026.
5. On **29.06.2026**, Sh. Abhinav Singh, advocate, filed a Caveat dated **25.06.2026** on behalf of the Caveator, All India Trinamool Congress through Ms. Mamata Banerjee praying therein to register the Caveat and ensure that the notice is served upon the counsel along with copy of the petition before any order is passed and also grant the Caveator an opportunity to be heard before passing any order, interim or final.

6. On **29.06.2026**, Sh. Ritabrata Banerjee vide letter dated **26.06.2026**, furnished authorization letter from Sh. Arup Roy authorizing Sh. Ritabrata Banerjee to represent the party to important Constitutional bodies including the Commission. Shri Banerjee requested the Commission to address all future communication and correspondence relating to AITC on the address given in the letter. Sh. Banerjee also furnished communication details of AITC in the prescribed format duly signed by Sh. Arup Roy. Sh. Banerjee also sought a meeting to place relevant organizational and authorization documents on record.

7. On **30.06.2026**, Sh. Ritabrata Banerjee vide his letter dated **30.06.2026** sought a meeting with the Commission to discuss the ongoing issues and developments within the party.

8. On **02.07.2026 at 12:00 noon**, a ten member delegation led by Shri Arup Roy including Shri Ritabrata Banerjee met the Commission. During the meeting the delegation submitted the following documents:-

a) Copy of letter dated 22.06.2026 by Shri Ritabrata Banerjee addressed to the Chairman, Rajya Sabha informing the convening of Special Session of AITC on 22.06.2026 and election of the Chairperson and members of AITC;

b) Copy of letter dated 22.06.2026 by Shri Ritabrata Banerjee addressed to the Speaker, Lok Sabha informing the convening of Special Session of AITC on 22.06.2026 and election of the Chairperson and members of AITC; and

c) Copies of eleven (11) letters dated 22.06.2026 by Sh. Akhruzzaman addressed to the Branch Managers of Indian Bank and HDFC Bank along with three (3) forwarding emails to respective banks dated 29.06.2026 requesting therein to freeze existing bank accounts of AITC until further communication.

9. On **02.07.2026**, the Commission vide its letters dated **02.07.2026** exchanged the documents received in the Commission between Ms. Mamata Banerjee and Shri Ritabrata Banerjee and directed them to file their reply latest by **06.07.2026**. They were also advised to also submit a copy of all future submissions/documents to the other group and proof of service of such submissions/documents should be furnished to the Commission.

10. On **06.07.2026**, Ms. Mamata Banerjee vide letter dated **05.07.2026** submitted her reply to the Commission's letter dated 02.07.2026 stating that the claim made by the complainants is fundamentally flawed, illegal and not substantiated by the Party Constitution. That the elections of all the office bearers, including Chairman, are all illegal and de hors the Party Constitution. Ms. Banerjee further requested to disregard the letter dated 22.06.2026 and not attach any credence thereto.

11. On **06.07.2026**, Shri Ritabrata Banerjee vide his letter dated **06.07.2026** sought one week's time to file appropriate response to the Commission's letter dated 02.07.2026. The Commission vide letter dated **07.07.2026** directed Shri Ritabrata Banerjee to file his reply latest by **10.07.2026**. On 10.07.2026, Shri Ritabrata Banerjee vide his letter dated **10.07.2026** stated that he is diligently engaged in procurement of necessary documents for the purpose of submitting a complete and effective response and sought fifteen days additional time i.e. till 25.07.2026 to file appropriate response to the Commission's letter dated 02.07.2026. The Commission vide letter dated **13.07.2026** directed Shri Ritabrata Banerjee to file his reply latest by **25.07.2026**.

12. On **12.07.2026**, Ms. Mamata Banerjee vide her letter dated **12.07.2026** stated that the reply from her end had been communicated within the stipulated time, i.e. 06.07.2026, and the same was also served physically upon Shri Ritabrata Banerjee. However, the reply on the part of Shri Ritabrata Banerjee was not submitted even after the extension granted vide Commission's letter dated 07.07.2026. She has further requested that the reply submitted from her end be considered at the earliest, without granting any further time to Shri Ritabrata Banerjee.

13. On **25.07.2026**, Shri Ritabrata Banerjee vide his letter dated **25.07.2026** sought ten days additional time i.e. till 04.08.2026 to file appropriate response to the Commission's letter dated 02.07.2026.

14. On **29.07.2026**, Ms. Mamata Banerjee vide her letter dated **29.07.2026** stated that she has not been informed whether Shri Ritabrata Banerjee has submitted any reply, and if such reply has been submitted, no copy thereof has been provided to her. Ms. Banerjee further pointed out that since no reply has been received despite extension of time on two occasions, it can be inferred that all her submissions and statements contained in her letter dated 06.07.2026 stand admitted, and no answer has been furnished thereto. Ms. Banerjee requested the Commission to conclude the investigation at the earliest, without providing any further opportunity to them to submit comments

as sought vide Commission's letter dated 02.07.2026.

15. On **31.08.2026**, Ms. Mamata Banerjee vide her letter dated **30.08.2026** stated that Shri Pirzada Siddique, MLA from 102-Amdanga AC, addressed an email dated **25.08.2026** to the Commission, pointing out that no prior notice or communication was ever circulated to the members and stakeholders of the AITC in respect of the purported 'Special Session' of the AITC, allegedly held on 22.06.2026. Ms. Banerjee stated that the said communication categorically stated that the entire exercise purportedly conducted at Novotel Kolkata on 22.06.2026, was vitiated by fundamental irregularities and, therefore ought not to be treated as valid exercise in the eyes of law. Ms. Banerjee requested that aforesaid communication dated 25.08.2026, along with the facts, documents and representations placed on record by her, be duly taken into consideration while examining the allegations raised by Shri Ritabrata Banerjee and further requested the Commission to bring the enquiry initiated pursuant to the letter dated 02.07.2026 to an expeditious conclusion.

16. On **09.09.2026**, the Commission vide Letter dated 09.09.2026 invited Shri Ritabrata Banerjee and Ms. Mamata Banerjee for meeting on 12.09.2026 at 11 a.m. and 12 p.m. respectively regarding their dispute over control of the party.

17. On **11.09.2026**, Shri Ritabrata Banerjee vide his letter dated 11.09.2026 submitted his reply to the Commission's letter dated 02.07.2026, stating therein specific replies to letters dated 15.06.2026 and 22.06.2026 of Ms. Mamata Banerjee, and letter dated 23.06.2026 of Shri Derek O' Brien. In reply to the letter dated 15.06.2026, Shri Banerjee stated that the authorization of Shri Abhishek Banerjee and Shri Derek O' Brien to communicate with the Hon'ble Commission is illegal and *non-est* in law as the mandate of NWC has expired on 11.02.2025. In reply to the letter dated 22.06.2022, Shri Banerjee stated that the said letter containing list of office bearers of the AITC and the NWC of the AITC is an unauthorized and rogue attempt to take unilateral decisions on behalf of the party in addition to being a blatant violation of the party constitution. In reply to the letter dated 11.02.2025, Shri Banerjee stated that amendment to party's constitution may not be taken on record and uploaded on Commission's website as the amendment was not as per the constitutional process enumerated under Article XIX of the party's constitution.

18. On **12.09.2026**, the Commission conducted a meeting with the delegation led by Shri Arup Roy comprising of Shri Ritabrata Banerjee, Shri Arup Roy, Shri Akhruzzaman, Smt. Chandrima Bhattacharya and Shri Aman Jha. The delegations made oral submissions before the Commission and submitted following documents:

- (i) Letter dated 11.09.2026 from Shri Ritabrata Banerjee addressed to the Secretary, ECI.
- (ii) E mail dated 12.09.2026 from Shri Ritabrata Banerjee along with its enclosures comprising of Orders dated 07.07.2026, 03.08.2026 and 06.08.2026 of the Ld. Judge (Senior Division), 1st Court, Alipore, South 24 Parganas.
- (iii) Letter dated 12.09.2026 from Smt. Chandrima Bhattacharya addressed to the Secretary, ECI.
- (iv) News clipping dated 05.06.2026 titled "Mamata Banerjee overhauls Trinamool Congress".

19. During the meeting held on **12.09.2026**, Shri Ritabrata Banerjee submitted Orders dated 07.07.2026, 03.08.2026 and 06.08.2026 passed by the Learned Civil Court (Senior Division), 1st Court, Alipore, in Title Suit No. 965 of 2026, Smt. Jui Biswas and others Versus Smt. Mamata Banerjee and Others. Shri Ritabrata Banerjee on 16.09.2026 further submitted an order dated 16.09.2026 passed in the said Title Suit. Operative portion of the aforesaid Orders is being reproduced hereunder:

Order dated 07.07.2026

"that the ad-interim order of injunction in terms of prayers (a) to (c) of the injunction application is allowed.

The defendants and their men and agents are hereby restrained from creating disturbances to the National Working Committee elected at the Special Session held on 22.06.2026 constitutes the only lawful executive body authorized to administer the affairs of the All India Trinamool Congress, along with the Defendants, their agents, servants, associates or any person claiming through them from representing themselves as office-bearers of the Party are also restrained, from interfering with the administration of the Party, issuing directions or appointments in the name of the Party, dealing with the Party's records, funds, bank accounts or properties, and communicating with constitutional or statutory authorities on behalf of the Party, Moreover the defendants and their men and agents from to taking forceful possession of the newly Trinamool Bhawan at A/P-1/A, Canal South Road, Metropolitan, CHS Ltd. Kolkata-700105 and any other units/party office."

Order dated 03.08.2026

"Today is fixed for hearing of petition under section 151 CPC.

Both parties are present through Advocate.

Heard both sides at length.

Copy of letter dated 22.06.2026 is filed by defendants by firisti which is kept with record.

Fix 06.08.2026 for passing order of petition under section 151 CPC dated 14.07.2026."

Order dated 06.08.2026

"It would be apparent from the ad interim injunction order passed by this Court that the authority of Election Commission of India is not defied in any way. The matter of ad interim injunction is restricted within passing direction upon the defendants and not upon any other authority. This Court makes it clear that anything about the reserved Election Symbol of the party is not touched in the order of ad interim injunction and that question is not to be decided which has exclusive authority of Election Commission of India.....

Ordered

that the petition under section 151 CPC filed by the defendants dated 14.07.2026 is rejected on contest without cost.

The ad interim order of temporary injunction dated 07.07.2026 is extended till next date.

Both parties be given a copy of this order.

To Date (16.09.2026) for further order."

Order dated 16.09.2026

"It appears that plaintiff has filed a petition for extension of ad interim injunction under section 148 read with section 151 of Civil Procedure Code supported by Affidavit. No written objection is submitted against the prayer of extension of ad interim injunction and none opposes it verbally.

On carefull perusal of the case record, it appears that the reason for extension of ad interim injunction still exists and the prayer for extension of ad interim injunction is allowed till next date.

From the case record it appears that the defendant no. 1 and 2 filed a put up petition on 19.08.2026 along with prayer for time to file written statement and written objection.

Prayers are put up today but nobody is present in Court. No hazira is filed on behalf of defendant no. 1 and 2.

Defendant nos. 1 and 2 are directed to show cause as to why the suit shall not be fixed for ex parte hearing.

Fix 14.10.2026 for show cause by defendant no. 1 and 2."

20. During the meeting on 12.09.2026 Ms. Chandrima Bhattacharya submitted a letter wherein she has referred to letter dated 22.06.2026 from Ms. Mamata Banerjee regarding the meeting of the National Working Committee of AITC held on 20.06.2026. In this regard she has stated that no such meeting was ever convened at the place or time as has been stated in the letter dated 22.06.2026 or convened at all. She has alleged that it is a mere ex-post facto creation of paper trail to justify unilateral and arbitrary actions taken at the behest of Ms. Mamata Banerjee. She has further stated that it assumes significance as she has been a member of National Working Committee, which is alleged to have met on 20.06.2026 wherein, she has been 'declared' a member of the National Working Committee and the State President – West Bengal of the party.

21. During the meeting on 12.09.2026, Sh. Ritabrata Banerjee also submitted a news clipping dated 05.06.2026 titled "Mamata Banerjee overhauls Trinamool Congress". As per the clipping, in order to completely reorganize AITC, Chairperson, Ms. Mamata Banerjee held a meeting with members of the party's National Working Committee at her Kalighat residence on 05.06.2026, decided to have new people appointed to most of the party's posts. The National Working Committee will remain as it is. The party had announced through social media the ending of the term of all office-bearers. The news clipping contains the names of the new office bearers. It also mentions Ms. Chandrima Bhattacharya as President of West Bengal Trinamool Congress.

22. On 12.09.2026, the Commission also conducted a meeting with a delegation on behalf of Ms. Mamata Banerjee, comprising of Shri Kalyan Banerjee, Smt. Sagarika Ghose, Shri Saket Gokhale, Shri Derek O' Brien and Shri Abhinav Singh. The delegation made oral submissions before the Commission and submitted following documents:

- (i) Letter dated 27.12.2021 by Shri Abhishek Banerjee addressed to Mr. Jaydeb Lahiri, Secretary, Election Commission of India.
- (ii) Hon'ble Delhi High Court's Order dated 29.08.2024 in Govind Yadav vs Union of India and others in WP (C) No.2137 of 2023 and CM Appl. No. 8070 of 2023.

(iii) Hon'ble High Court Of Calcutta's Order dated 18.08.2026 in Sobhandeb Chattopadhyay Vs Hon'ble Speaker, West Bengal Legislative Assembly and others in APOT/110/2026 IA No: GA/1/2026.

(iv) Hon'ble Supreme Court's Order dated 23.10.1992 in (1992) 4 Supreme Court Cases 683: 1992 SCC OnLine SC 512 in R.N. Gosain vs Yashpal Dhir. SLP (Civil) No. 4325 of 1992.

(v) Hon'ble High court of Madras' Order dated 12.02.2025 in WMP No.2933 of 2025 in WP No. 258 of 2025, WMP No. 2872 of 2025 in WP No. 265 of 2025, WMP No. 4877 of 2025 in WP No. 252 of 2025 along with WMP No. 294 of 2025 in WP No. 258 of 2025, WMP No.304 of 2025 in WP No. 265 of 2025 and WMP No.289 of 2025 in WP No. 252 of 2025.

(vi) Hon'ble Supreme Court's Order dated 21.01.2014 in Janata Dal Party Vs Indian National Congress and Others SLP (C) No. 38991 of 2013.

23. During the meeting on **12.09.2026**, the delegation led by Sh. Kalyan Banerjee submitted a letter dated 27.12.2021 from Sh. Abhishek Banerjee addressed to Secretary, ECI. The aforesaid letter is from the party in reference to the Commission's letter dated 17.12.2021 which was issued regarding the organizational election of AITC. In the said letter the party has referred to its earlier letter dated 14.08.2021 wherein it is stated that the decision of the party to hold the next organizational election after 8 years and the Commission has raised an objection that the election should be held within 5 years of the last organizational election. Through the said letter the party also informed that it has decided to hold its next organizational election on or before 31.03.2022.

24. Shri Derek O' Brien vide his letter dated **12.09.2026** stated that from 2006 onwards, their Party Constitution was amended and the life of AITC and National Working Committee was extended from 3 years to 5 years. That the official website of the Election Commission of India hosts the AITC Constitution of 2010 as well as the Rules framed under the said Constitution which is referred to as the All India Trinamool Congress Party Rules, 2000. Rule 9(a) of the said Rules clearly lays out that the term of every Trinamool Congress Committee and of its Office Bearers, Executive Committee and members shall ordinarily be five years. Shri Brien has further mentioned about the letters sent to the Election Commission during the years 2015, 2017 and 2022 regarding the organizational election of party. Shri Brien has further stated that it is evident from the communications that public notices were issued for the said communications and all the MPs and

MLAs were made members of the AITC. It has further been stated that it will be borne from the alleged resolution submitted by Shri Ritabrata Banerjee that not all the MPs and MLAs have been made members of the AITC in terms of the provisions of the Constitution. Shri Brien further reiterated that the Constitution of the AITC received in the Election Commission on 09.03.2026 also carries the same 5 year term as enshrined in Rule 9(a) of the AITC Party Rules framed under Article X of the Party Constitution of 2010-11.

25. Shri Derek O' Brien vide his letter dated **13.09.2026**, again furnished a copy of his letter dated 12.09.2026 along with enclosures and stated that in 2015, 2022 and 2026 even though the party's constitution was submitted, these documents were not uploaded by the ECI on its website.

26. The Commission vide its two letters dated **12.09.2026** exchanged the above-mentioned documents furnished among both the groups. Both the groups were also given an opportunity to make their final submissions till 3:00 PM on 16.09.2026. They were also informed that the Commission will hold a hearing, if required, on 17.09.2026.

27. Shri Derek O' Brien vide his letter dated **16.09.2026**, furnished additional documents. Those documents are as follows:

(i) Judgement dated 14.03.2014 of Hon'ble Supreme Court passed in the case of State of Punjab and others vs. Dhanjit Singh Sandhu [(2014) 15 Supreme Court Cases 144].

(ii) Letter dated 08.06.2015 of Ms. Subrata Bakshi (General Secretary, AITMC) to the ECI, members of NWC and office bearers.

(iii) Letter dated 19.02.2022 of Ms. Mamata Banerjee to ECI, members of NWC and office bearers.

(iv) Letter dated 23.01.2024 of Shri Abhishek Banerjee to ECI, conduct of organisational elections, members of NWC and office bearers, next elections due in 2027 (screenshot of ECI website attached)

(v) Letter dated 07.03.2026 of Ms. Chandrima Bhattacharya to ECI regarding submission of party's latest constitution.

(vi) Letter dated 09.05.2026 of Shri Abhishek Banerjee to Hon'ble Speaker of West Bengal

Legislative Assembly regarding appointment of LoP, Deputy LoP, Chief Whip.

(vii) Letter dated 20.05.2026 of Shri Abhishek Banerjee to Hon'ble Speaker of West Bengal Legislative Assembly regarding submission of resolution book and attendance sheet of members present for meeting on 06.05.2026.

(viii) Letter dated 03.06.2026 of Shri Ritabrata Banerjee to Hon'ble Speaker of West Bengal Legislative Assembly for creating a bloc of AITC for them, and declare Ritabrata Banerjee as LoP and Akhruzzaman as Chief Whip.

(ix) Letter dated 19.06.2026 of Shri Derek O' Brien informing Smt. Chandrima Bhattachary of the National Working Committee meeting to be held on 20.06.2026, and her response (WA screenshot attached).

(x) Letter dated 08.07.2026 pertaining to disqualification application against Ritabrata Banerjee and 9 other MLAs.

(xi) A court case status pertaining to Mis. Appeal/260/2026 (Ms. Mamata Banerjee and Anr. Vs. Smt. Jui Biswas and Ors.) filed on 15.09.2026 against the interim order passed in civil suit.

(xii) A written notes of arguments.

28. Shri. Ritabrata Banerjee vide his letter dated **16.09.2026** tendered reply to the letters dated 12.09.2026 and 13.09.2026 of Shri Derek O' Brien. He further submitted certified copies of (i) the plaint of Title Suit No. 965 of 2026 (Smt. Jui Biswas & Others vs. Smt. Mamata Banerjee and Ors.), (ii) Injunction Petition filed by Smt. Jui Biswas and Ors. in Title Suit No. 965 of 2026, and (iii) Order dated 16.09.2026 in the Title Suit No. 965 of 2026.

29. The Commission vide Letter dated 16.09.2026 invited Shri Ritabrata Banerjee and Ms. Mamata Banerjee regarding the hearing scheduled on 17.09.2026 pertaining to declaration of dispute under Para 15 of the Symbols Order.

30. On **17.09.2026**, at 3 p.m. the Commission heard the delegation led by Shri Arup Roy comprising of Shri Ritabrata Banerjee, Shri Arup Roy, Shri Akhruzzaman, Smt. Chandrima Bhattacharya and Shri Aman Jha.

31. On 17.09.2026, at 4 p.m. the Commission also heard the delegation on behalf of Ms. Mamata Banerjee, comprising of Shri Kalyan Banerjee, Smt. Sagarika Ghose, Smt. Mahua Moitra, Shri Saket Gokhale, Shri Derek O' Brien and Shri Abhinav Singh.

32. Para 15 of the Election Symbols (Reservation & Allotment) Order, 1968 states that *"When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognized political party each of whom claims to be that party, the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard, decide that one such rival section or group or none of such rival sections or groups is that recognized political party and the decision of the Commission shall be binding on all such rival sections or groups."*

33. A parallel statutory development under the RP Act 1951, having direct bearing on the matter at hand, is by way of the Press Note No. ECI/PN/114/2026 issued by the Commission on 07.09.2026, announcing the Schedule of Elections for 05 seats to the State Legislative Assemblies of various states 01 seat of House of People of State of Assam. The prescribed time schedule [for nomination / scrutiny / withdrawal /symbol allotment etc.] in the notification is governed by statutory timelines. The outer limit of conduct of bye-elections i.e. 6 months from the date of vacancy is governed by Section 150 & 151A of the RP Act 1951. This has been complied with in the Commission's Press Note of 07.09.2026. Para 5 of the Symbols Order enables a State recognized party, such as All India Trinamool Congress, to have a 'reserved symbol'. The 'reserved symbol can be utilized for bye-elections and general election to be held not only in the State of its registration, but it is also allowed to have priority of same symbol in case they choose to contest elections in other States.

34. The Returning Officer of 70-Rejinagar Assembly Constituency from West Bengal has received nominations from one Shri Safiuzzaman Saikh claiming to be candidate of All India Trinamool Congress enclosing Form-B authorized by Shri Arup Roy. The Returning Officer also received a nomination from one Shri Rabiul Alam Chowdhury also claiming to be candidate of

All India Trinamool Congress enclosing Form-B authorized by Ms. Mamata Banerjee.

35. The Returning Officer of 210-Nandigram Assembly Constituency from West Bengal has received nominations from one Shri Ehteshmul Haque claiming to be candidate of All India Trinamool Congress enclosing Form-B authorized by Shri Arup Roy. The Returning Officer also received a nomination from one Smt. Sanchita Pradhan (Dey) also claiming to be candidate of All India Trinamool Congress enclosing Form-B authorized by Ms. Mamata Banerjee.

36. The Returning Officer of 9-Nagaon Parliamentary Constituency from Assam has received nomination from one Shri Abdul Salam claiming to be candidate of All India Trinamool Congress enclosing Form-B authorized by Ms. Mamata Banerjee.

37. Having regard to the above facts and circumstances as indicated under para 32 above, it is evident that the time available is not adequate to complete the proceedings under Para 15 of the Symbols Order. However, the Commission takes note of the urgency involved with regard to use of party symbol and party name in the ongoing by-elections.

38. On due consideration of the totality of information available on record with the Commission (as summarized above), the Commission is of the opinion that there are two rival groups in All India Trinamool Congress, one led by Ms. Mamata Banerjee and the other led by Shri Arup Roy, and each group is now claiming to be the party and therefore the matter requires a substantive determination by the Commission under Para 15 of the Election Symbols (Reservation & Allotment) Order 1968.

39. Accordingly, in order to place both the rival groups on even keel and to protect their rights and interests, and going by the past precedence, the Commission hereby makes the following Interim Order, to cover the purpose of the current Bye-elections and to continue till the final determination of the dispute in the matter in terms of Para 15 of the Symbols Order:-

- a) Neither of the two groups led by Shri Arup Roy (Petitioner) and other led by Ms. Mamata Banerjee (Respondent) shall be permitted to use the name of the party "All India Trinamool Congress" simplicitor;

- b) Neither of the two groups shall also be permitted to use the symbol “Flowers & Grass”, reserved for “All India Trinamool Congress”;
- c) Both the groups shall be known by such names as they may choose for their respective groups, including, if they so desire, linkage with their parent party “All India Trinamool Congress”; and
- d) Both the groups shall also be allotted such different symbols as they may choose from the list of free symbols notified by the Election Commission for the purposes of the current bye-elections.

40. Accordingly, both the groups are hereby directed to furnish, latest by **11:00 AM on 18.09.2026**:

- (i) The names of their groups by which they may be recognized by Commission and to this end, give three options in order of preference, anyone of which may be approved by the Commission and;
- (ii) The symbols which may be allotted to the candidates set up, if any, by the respective groups. They may indicate the names of three free symbols, in the order of their preference, anyone of which may be allotted to their candidates by the Commission.

ORDERED ACCORDINGLY

sd/-

(DR. VIVEK JOSHI)
ELECTION COMMISSIONER

sd/-

(SH. GYANESH KUMAR)
CHIEF ELECTION COMMISSIONER

sd/-

(DR. SUKHBIR SINGH SANDHU)
ELECTION COMMISSIONER

New Delhi the 17th September, 2026


अश्वनी कुमार मोहल
ASHWANI KUMAR MOHAL
सचिव / Secretary
भारत निर्वाचन आयोग
Election Commission of India
निर्वाचन सदन/Nirvachan Sadan
अशोक रोड /Ashoka Road
नई दिल्ली-110001 /New Delhi-110001