

ITEM NO.11

COURT NO.1

SECTION IX

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). 200/2024

(Arising out of impugned final judgment and order dated 13-12-2023 in WP No. 14242/2023 passed by the High Court Of Judicature At Bombay)

ELECTION COMMISSION OF INDIA

Petitioner(s)

VERSUS

SUGHOSH JOSHI & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.1607/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Sukumar Pattjoshi, Sr. Adv.
Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.
Ms. Aparna Singh, Adv.

For Respondent(s) Mr. Ritin Rai, Sr. Adv.
Mr. Kushal Mor, Adv.
Ms. Shraddha Swarup, Adv.
Mr. Siddhartha Jha, AOR

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

- 1 The Division Bench of the High Court of Judicature at Bombay, by its impugned order dated 13 December 2023, issued a mandamus to the Election Commission of India for immediately conducting a bye-election to the 34 Pune Parliamentary Constituency consequent upon the seat having fallen vacant on the death of the

incumbent Member of Parliament on 29 March 2023. The term of the presently constituted Lok Sabha will come to an end on 16 June 2024.

2 The interpretation of the provisions of Section 151A of the Representation of the People Act 1951 would need interpretation.

3 We, therefore, issue notice.

4 Mr Ritin Rai, senior counsel, along with Mr Siddhartha Jha, appears on behalf of the respondent and accepts notice.

5 The counter affidavit be filed within a period of four weeks. The rejoinder affidavit, if any, be filed within a period of three weeks thereafter.

6 List the Petition on a non-miscellaneous day on 12 March 2024.

7 Pending further orders, there shall be a stay of the impugned judgment of the Division Bench of the High Court of Judicature at Bombay dated 13 December 2023 in Writ Petition No 14242 of 2023.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR