

ITEM NO.22

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).493/2022

SUBHASH DESAI

Petitioner(s)

VERSUS

PRINCIPAL SECRETARY, GOVERNOR OF MAHARASHTRA & ORS.Respondent(s)

([TO BE TAKEN UP AS FIRST ITEM]FOR ADMISSION and IA No.92215/2022-STAY APPLICATION and IA No.92217/2022-EXEMPTION FROM FILING O.T. and IA No.92216/2022-PERMISSION TO FILE LENGTHY LIST OF DATES
IA No.100297/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No.92217/2022 - EXEMPTION FROM FILING O.T.
IA No.101776/2022 - INTERVENTION/IMPLEADMENT
IA No.92216/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES
IA No.92215/2022 - STAY APPLICATION)

WITH

W.P.(C) No.469/2022 (X)

(FOR ADMISSION and IA No.88601/2022-STAY APPLICATION and IA No.88602/2022-EXEMPTION FROM FILING O.T. and IA No.88964/2022-APPROPRIATE ORDERS/DIRECTIONS

IA No. 88964/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 88602/2022 - EXEMPTION FROM FILING O.T.

IA No. 88960/2022 - INTERVENTION APPLICATION

IA No. 88601/2022 - STAY APPLICATION)

W.P.(C) No.468/2022 (X)

(FOR STAY APPLICATION ON IA 88603/2022
FOR EXEMPTION FROM FILING O.T. ON IA 88604/2022
IA No. 88604/2022 - EXEMPTION FROM FILING O.T.
IA No. 88603/2022 - STAY APPLICATION)

W.P.(C) No.479/2022 (X)

(FOR EX-PARTE STAY ON IA 90188/2022
FOR EXEMPTION FROM FILING O.T. ON IA 90189/2022
IA No. 90188/2022 - EX-PARTE STAY
IA No. 90189/2022 - EXEMPTION FROM FILING O.T.)

W.P.(C) No.470/2022 (X)

(FOR EX-PARTE STAY ON IA 88697/2022
IA No. 88697/2022 - EX-PARTE STAY)

W.P.(C) No.538/2022 (X)

IA No. 100285/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98578/2022 - EXEMPTION FROM FILING O.T.
IA No. 98577/2022 - STAY APPLICATION

Date : 04-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)
In WP(C)Nos.493/22 Mr. Kapil Sibbal, Sr.Adv.
Dr. Abhishek Manu Singhvi, Sr.Adv.
Mr. Devadatt Kamat, Sr.Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Anish R. Shah, AOR
Mr. Javedur Rahman, Adv.
Mr. Rohit Sharma, Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Harish Pandey, Adv.
Mr. Revanta Solanki, Adv.
Mr. Sunny Jain, Adv.
Mr. Nishant Patil, Adv.
Mr. Amit Bhandari, Adv.
Mr. Nizam Pasha, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.
Ms. Aparajita Jamwal, Adv.
Mr. Abhiyudaya Vats, Adv.

In WP(C)469/22 Mr. Rakesh Kailash Sharma, Adv.
Mr. Alok Singh, Adv.
Mr. Vinay Kumar Ahrodia, Adv.

For Respondent(s) Mr. Harish Salve, Sr.Adv.
Mr. Chirag Shah, Adv.
Mr. Utsav Trivedi, Adv.
Mr. Abhinay, AOR
Mr. Himanshu Sachdeva, Adv.
Ms. Manini Roy, Adv.
Ms. Shivani Bhushan, Adv.
Ms. Unnati V., Adv.
Mr. Pooran Chand Roy, Adv.

Mr. Harish Salve, Sr.Adv.
Mr. Neeraj Kishan Kaul, Sr.Adv.
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Ms. Gunjan Mangla, Adv.
Ms. Aagam Kaur, Adv.
Mr. Abhay Anil Anturkar, Adv.
Mr. Dhruv Sharma, Adv.
Ms. Aarzo Aneja, Adv.
Mr. Kasim Manocha, Adv.
Ms. Ira Mahajan, Adv.
Mr. Karsin Manocha, Adv.

Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Kanu Agrawal, Adv.
Mr. Shreyansh U.Lalit, Adv.
Mr. Rajat Nair, Adv.
Mr. Anuj Srinivas Udupa, Adv.

Mr. Nakul Chengappa, Adv.
Mr. Arvind Kumar Sharma, Adv.

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Dr. Abhishek Manu Singhvi, Sr.Adv.
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Ms. Prachita Kar, Adv.
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Mr. Shailendra, Adv.
Mr. Aditya S., Adv.
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Mr. Dhruv Tank, Adv.
Mr. Vaibhav Kulkarni, Adv.

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Ms. Pracheta Kar, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Aditya Sidhra, Adv.
Mr. Nadeem Afroz, Adv.
Mr. Pranav Saigal, Adv.
Mr. Ajay Sabharwal, Adv.

For ECI

Mr. Arvind Datar, Sr.Adv.
Mr Amit Sharma, Adv.

Mr. Satyapal Jain, Sr.Adv.
Ms. Astha Prasad, AOR

For R.No.49 in WP(C)No.493/22
Mr. Pai Amit, AOR
Ms. Pankhuri Bhardwaj, Adv.
Mr. Rahat Bansal, Adv.
Mr. Vashim Shaikh, Adv.

For State of Mah.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A.Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

For R.No.5 In WP(C)No.493/22
Mr. Ankit Yadav, AOR
Mr. Ratnesh Sharma, Adv.
Mr. Tarun Mehra, Adv.
Ms. Gajjala Bhaskar, Adv.

For R.No.5 In WP(C)469/22
Mr. Gaurav Belsare, Adv.
Mr. Javedur Rahman, AOR

For Intervenor
Mr. Mahendra Kawchale, Adv.
Ms. Ruchira Karve, Adv.
Mr. Jameer Inamdar, Adv.
Mr. Vijay Pal, Adv.
Mr. Pramod Kumar Singh, Adv.
Mr. Mahendra Kumar, Adv.
Mr. Kundan Lal, Adv.
Mr. Deepankar, Adv.
Mr. Anil Kumar, Adv.
Mr. Kailash Prashad Pandey, AOR

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

1. Heard Mr. Kapil Sibal along with Dr. Abhishek Manu Singhvi, learned Senior counsel appearing on behalf of the petitioner, Mr. Harish Salve, learned Senior counsel appearing on behalf of the respondents and Mr. Arvind Datar, learned Senior counsel appearing on behalf of the Election Commission of India.

2. Learned Senior counsel have submitted their respective notes highlighting the issues which, as per them, arise for consideration in this batch of petitions. This Court will decide as to whether the issues raised in the instant petitions require to be referred to a 5-Judges Bench or not, after considering the submissions advanced by the learned Senior counsel for the parties

and examining the issues submitted by them.

2. Meanwhile, we are informed by Mr. Arvind Datar, learned Senior counsel appearing on behalf of the Election Commission that it has fixed 8th August, 2022 as the date for the petitioner to file an affidavit in the matter pending before it. According to the learned Senior counsel, the proceedings may take some time as voluminous evidence is usually submitted by the parties which must be considered by the Election Commission. The learned Senior counsel, therefore, states that no orders may need to be passed by this Court interdicting proceedings before the Election Commission. In these circumstances, we grant liberty to the petitioner to file an application before the Election Commission for seeking time.

3. List next week.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)