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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9657/2024 & CM APPL. 39683/2024**

MEHMOOD PRACHA

.....Petitioner

Through: Petitioner in person along with M.r
Sanawar, Mr. Jatin Bhatt, Mr. Kshtij
Singh, Mr. Sikander, Mr. Kumail
Abbas, Advocates (M:9319630503)

versus

ELECTION COMMISSION OF INDIA

.....Respondent

Through: Mr. Sandeep Sethi, Sr. Adv. with Mr.
Sidhant Kumar, Mr. Vinayak Thakur,
Advocates (M:9013008939)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **07.11.2025**

CM APPL. 39683/2024 (For Stay)

1. Petitioner, who appears in person, submits that video footage and CCTV footage pertaining to the Lok Sabha Elections, 2024, which is in the custody of all the respective District Election Officers ("DEOs"), i.e., the seven DEOs in Delhi, shall not be destroyed during the pendency of the present writ petition.
2. Petitioner, thus, vehemently pleads before this Court that the said video and CCTV footage ought to be preserved.
3. The petitioner appearing in person draws the attention of this Court to *Paragraph 19.10.4* of the "Handbook for Returning Officer, 2023", issued



by the Election Commission of India (“ECI”), to submit that the respondent-Election Commission of India is enjoined upon to retain, in safe custody of the DEO, all the CCTV/video recordings. The aforesaid Paragraph 19.10.4 is reproduced as under:

“19.10.4 In case no election petition or any other petition/complaint etc. is pending, the CCTV/ Video recording should be destroyed after expiry of the prescribed period of 45 days or 8 months, as the case may be, following the usual procedure prescribed for the purpose. If there is any election petition filed in respect of the election or any other petition etc. in any court in respect of which the recording would be relevant, then the recorded version shall be retained in safe custody of DEO till the disposal of such matter.”

4. Petitioner further relies upon the order dated 20th August, 2024 passed by the Supreme Court in W.P. (C) No. 473/2024, titled as *Mehmood Pracha Versus Election Commission of India* to submit that the petitioner has been granted liberty by the Supreme Court to bring to the notice of this Court any specific information by way of the present writ petition, which is pending before this Court.

5. The order dated 20th August, 2024 passed by the Supreme Court as aforesaid, is reproduced as under:

“We are not inclined to entertain the present writ petition filed under Article 32 of the Constitution of India, which makes omnibus, vague and sweeping assertions. The prayers made are equally sweeping.

It is to be noted that the petitioner, Mehmood Pracha, has already approached the High Court of Delhi by way of a writ petition with regard to a specific constituency.

It is for the candidates, others or in case the petitioner, Mehmood Prach, has any specific information, to approach the concerned Court including the jurisdictional High Court as per law.

Recording the aforesaid, the writ petition is dismissed.

Pending application(s), if any, shall stand disposed of.”

6. Responding to the aforesaid submissions, learned Senior Counsel for



the respondent-ECI draws the attention of this Court to the Instructions dated 30th May, 2025 issued by the ECI in modification of its earlier instructions dated 06th September, 2024, to submit that preservation of the webcasting data and photography is only for a limited period. Paragraph 2 of the said modified Instructions dated 30th May, 2025 issued by the ECI, as relied upon by the respondent, is reproduced as under:

“2. However, recent misuse of this content by non-contestants for spreading misinformation and malicious narratives on social media by selective and out of context use of such content, which will not lead to any legal outcome, has prompted a review. The Commission therefore, in modification of its earlier instructions dated 06.09.2024 relating to supply and disposal of electronic recordings of the above-mentioned events, issues the following instruction:

“Notwithstanding anything in the previous instructions issued on the subject,

2.1. The CCTV data, webcasting data and photography of election processes at various stages shall be preserved for a period of 45 days. If no election petition is filed in respect of a particular constituency then the said data may be destroyed. In case an election petition is filed before the Hon’ble Courts challenging the outcome of the elections, then the said data shall be preserved till the final outcome of the Court proceedings unless its destruction is permitted by the Hon’ble Court on an application made for this purpose.

2.2. Such data as mentioned above, shall be produced in original before the High Court adjudicating an election petition on its order and shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except the High Court adjudicating the Election Petition.””

7. Learned Senior Counsel for the respondent further draws the attention of this Court to the prayer made in the present writ petition to submit that the petitioner has prayed for providing the videography/ photography data inside the polling stations all over India.

8. Learned Senior Counsel for the respondent further submits that as of



today, the data as sought by the petitioner, i.e., the video / CCTV footage pertaining to the Lok Sabha Elections, 2024, is no longer in the custody of the DEOs in Delhi and already stands destroyed. The aforesaid statement is taken note of.

9. The petitioner appearing in person disputes the aforesaid statement and submits that the petitioner reserves his right to pursue legal recourse in that regard.

10. The aforesaid statement made by the petitioner, and learned Senior Counsel for the respondent, are taken note of.

11. Further, the petitioner appearing in person disputes the submissions made by learned Senior Counsel for the respondent and submits that while the present petition pertains to Lok Sabha Elections, 2024, the modified Instructions dated 30th May, 2025 issued by the ECI, as relied upon by the respondent, have been issued much later in the year 2025.

12. He further submits that the said Instructions of 30th May, 2025 have been issued solely to defeat the present writ petition filed by the petitioner and to destroy the evidence, which submissions are disputed by learned Senior Counsel for the respondent.

13. This Court further takes note of the submissions made by learned Senior Counsel for the respondent that the Instructions dated 30th May, 2025 have not been challenged by the petitioner.

14. Noting the aforesaid, no orders can be passed by this Court in the present application, for the time being.

15. Accordingly, the present application is disposed of.

W.P.(C) 9657/2024

16. List for hearing on Top of the Board in the *Advance List* on 13th



February, 2026.

NOVEMBER 7, 2025/au

MINI PUSHKARNA, J