

2025 LiveLaw (SC) 809

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

SURYA KANT; J., DIPANKAR DATTA; J., NONGMEIKAPAM KOTISWAR SINGH; J.

AUGUST 11, 2025

CIVIL APPEAL No.10487 OF 2025 (Arising out of SLP (C) No.18410 of 2025)

MOHIT KUMAR *versus* KULDEEP SINGH & ORS.

Election Law - Recounting of Votes - Supreme Court directed recounting of all votes by a nominated Registrar - Following the orders, OSD (Registrar) submitted a report on August 6, 2025, which compiled the revised results - According to which appellant received 1051 votes and respondent received 1000 votes - Recounting was conducted by a Judicial Officer and saw no reason to doubt the report, it was video graphed and signed by the parties representatives - Held appellant as the elected Sarpanch - Supreme Court noted that other issues raised before the election Tribunal were still pending and allowed the parties to agitate these issues before the tribunal - Directed Election Tribunal to accept the report of OSD Registrar as final and conclusive result of the recount and declaration of appellant as the elected sarpanch is subject to the final judgment of the Election Tribunal. [Paras 7-10]

[Arising out of impugned final judgment and order dated 01-07-2025 in CR No.2717/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

For Petitioner(s) Ms. Liz Mathew, Sr.Adv. Mr. Parveen Kumar, AOR Mr. Mahendra Kumar, Adv. Mr. Deepak Tushir, Adv. Mr. Ankur Kumar, Adv. Mr. Rajnish Mann, Adv. Ms. Garima Khetal, Adv. Ms. Niharika, Adv. Ms. Mallika Agarwal, Adv. Mr. Dilip Kumar, Adv. Mr. Alok Kumar Dwivedi, Adv. Mr. Ashish Kumar Rai, Adv. Ms. Rajni Rani, Adv.

For Respondent(s) Mr. Gagan Gupta, Sr. Adv. Mr. Karan Kapoor, Adv. Mr. Manik Kapoor, Adv. Ms. Srishti Singla, Adv. Mr. Shrey Kapoor, AOR

ORDER

1. Leave granted.
2. The controversy pertains to the election of Sarpanch of Gram Panchayat, Buana Lakhu village, District Panipat, Haryana. Election was held on 02.11.2022, and respondent No.1 was declared to have been elected. There arose a controversy as to whether respondent No.1 was rightly declared elected or if the appellant ought to have been declared as the returned candidate. The appellant, thereafter, filed an Election Petition challenging the result of the election. Respondent No.1 initially raised a preliminary objection of limitation, which was turned down up to this Court, and the Election Tribunal was directed to take up the petition every week and decide the same within four months.
3. Thereafter, the Additional Civil Judge (Senior Division) cum-Election Tribunal, Panipat, *vide* a self-speaking judgment dated 22.04.2025, held that in view of the findings returned on Issue Nos.2 to 6 by it, a case of recounting of votes of Booth No.69 was made out. Consequently, the Deputy Commissioner-cum-Election Officer was directed to recount the votes in Booth No.69 on 07.05.2025.
4. The above-stated order of the Election Tribunal has been set aside by the High Court *vide* the impugned judgment dated 01.07.2025.
5. When the instant matter came up for hearing before this Court on 31.07.2025, the following order was passed:

“1. Having heard learned senior counsel for the parties at a considerable length and taking into consideration the peculiar facts and circumstances of this 1 case, the Deputy Commissioner and the District Election Officer, Panipat, Haryana is directed to produce all the EVMs before the Registrar of this Court, to be nominated by the Secretary General, at 10 a.m. on 06.08.2025. The nominated Registrar shall recount the votes, not only of the disputed booth but of all the booths. The recounting shall be duly videographed. The petitioner as well as the respondent no.1 or their authorized agents shall remain present at the time of recounting. The assisting counsel for the parties before us shall also remain present. The recount result shall be duly signed by the learned Registrar, the petitioner and the respondent no.1 or their authorized representative as well as the learned assisting counsel.

2. The recounting shall be without prejudice to the rights and contentions of the parties and subject to the objections that may be filed by the parties.

3. The Registry is directed to communicate a copy of this order to the Deputy Commissioner and the District Election Officer Panipat, Haryana for necessary compliance.

4. Post this matter on 11.08.2025 at 2 p.m. before this Bench.”

6. In deference thereto, learned Secretary General nominated Ms. Kaveri, who is presently posted as OSD (Registrar) to comply with the above order. The OSD (Registrar), with the logistic assistance provided by the Secretary General of this Court, recounted the votes of all the Booths (65 to 70) and has submitted a report dated 06.08.2025 based thereupon. The recounting of votes from each Booth has been appended at Flag ‘C’ and compilation thereof is at flag ‘D’ of the report. The translated copy of the disputed form No.19 (re: declaration of result from Booth No.69) has also been produced at page No.157 of the Report. Finally, learned OSD (Registrar) has compiled the revised result, which reads as follows:

S.No.	Name of Candidate as per Ballot Paper	Consolidated votes
1.	Kuldeep Singh	1000
2.	Jaswant Singh	27
3.	Naveen Kumar	491
4.	Mahavir	237
5.	Mohit Kumar	1051
6.	Samer	125
7.	Sunil Kumar	815
8.	NOTA	21
	Total	3767

7. Ordinarily, the recounting of votes having been done by a Senior Judicial Officer, who is currently serving as an OSD (Registrar) in this Court, would have been the end of the matter and the proceedings could be closed by declaring the appellant as the elected candidate. However, Mr. Gagan Gupta, learned Senior Counsel for respondent No.1, submits that in addition to the issue of recount, some other issues have also been raised before the Election Tribunal, where the evidence is complete and the case is ripe for final arguments.

8. On the other hand, Ms. Liz Mathew, learned Senior Counsel for the appellant, submits that all other issues have, in fact, been adjudicated by the Election Tribunal on 22.04.2025 and the only one left for adjudication was pertaining to declaration of the election result after recounting of votes. However, that judgment of the Election Tribunal has been set aside by the High Court, giving rise to the instant appeal.

9. Since, the recounting of votes has now been completed pursuant to our order dated 31.07.2025, the impugned judgment of the High Court cannot sustain and the same is, accordingly, set aside.

10. Similarly, there being *prima facie* no reason to doubt the Report submitted by the OSD (Registrar) of this Court, especially when the entire recounting has been duly videographed and its result is signed by the representatives of the parties, we are satisfied that the appellant deserves to be declared as the elected Sarpanch of Gram Panchayat, Buana Lakhu Village, District Panipat, Haryana in the election held on 22.11.2022. The Deputy Commissioner-cum-Election Officer, Panipat is, accordingly, directed to issue a Notification in this regard within two days declaring the appellant as the elected Sarpanch of the abovementioned Gram Panchayat. The appellant shall be entitled to assume the said office forthwith and perform his duties.

11. However, in the interest of justice, we allow the parties to agitate the issues, if any, left to be adjudicated. The Election Tribunal may, accordingly, accord them an opportunity of being heard and deliver the final judgment. The Election Tribunal, however, shall accept the Report of the OSD (Registrar) of this Court as the final and conclusive report so far as the result of recounting of votes is concerned. The Report submitted by the OSD (Registrar) of this Court shall be re-sealed and sent to the Additional Civil Judge (Senior Division)-cum-Election Tribunal, Panipat to make it a part of the record of the Election Petition.

12. Similarly, the EVMs or any other record, which were summoned, shall also be returned to the Deputy Commissioner-cum-Election Tribunal, Panipat.

13. The direction issued hereinabove to declare the appellant as an elected Sarpanch of Gram Panchayat, Buana Lakhu, District Panipat shall, however, be subject to the final judgment that may be passed by the Election Tribunal.

14. The appeal stands disposed of in the above terms.

15. As a result, the pending interlocutory applications also stand disposed of.

16. Copy of the order be given dasti.