

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15260/2024

(Arising out of impugned final judgment and order dated 18-09-2023 in OA No.59/2023 passed by the High Court Of Delhi At New Delhi)

SATYENDRA JAIN

Petitioner(s)

VERSUS

S.C. VATS & ORS.

Respondent(s)

(IA No.109323/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.109321/2024 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 09-08-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.  
Mr. Vivek Jain, AOR  
Ms. Suchitra Kumbhat, Adv.  
Mr. Sadiq Noor, Adv.  
Mr. Rajat Jain, Adv.

For Respondent(s) Mr. P D Gupta, Sr. Adv.  
Mr. Sahil Ahuja, Adv.  
Ms. Savita Singh, AOR  
Mr. Abhishek, Adv.

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

1. An order dated 18.09.2023 passed by the learned Single Judge of the High Court of Delhi in a Chamber Appeal arising out of an Election Petition is the subject-matter of challenge before us. The controversy arose when one Prashant Tanwar, Assistant Electoral Registration Officer, was summoned to produce and prove certain documents lying in his official custody. The petitioner (returned candidate) sought to cross-examine that witness allegedly beyond

the summoned record. The cross-examination was not permitted, which led to the filing of the Chamber Appeal, but the High Court has turned down the same.

2. Shri P.D. Gupta, learned senior counsel for the respondent - election petitioner, submits that the petitioner (returned candidate) wanted to cross-examine the above-mentioned witness in order to establish that:-

(i) Show-cause notice dated 02.02.2020 related to the complaint dated 01.02.2020 and

(ii) Show-cause notice dated 03.02.2020 related to complaint dated 03.02.2020 - were issued to the returned candidate.

3. He submits that the election petitioner has already acknowledged that these show-cause notices were actually issued to the petitioner - returned candidate. In view of that admission, he submits that there is no legal necessity to summon the witness to prove the issuance of these show-cause notices.

4. Shri Siddharth Dave, learned senior counsel for the petitioner - returned candidate, however, submits that the witness was required to be summoned to establish that replies dated 03.02.2020 and 04.02.2020 to the above-mentioned show-cause notices were also submitted by the petitioner - returned candidate, and thereafter, no further action was taken. On this, Shri P.D. Gupta points out that the petitioner - returned candidate has already tendered both the replies in evidence while deposing RW-1 and RW-2.

5. If that is so, it seems to us that the grievance of the petitioner has been effectively addressed. However, on scrutiny of the record, it is found that there is lack of clarity with regard

to production of the above-mentioned replies dated 03.02.2020 and 04.02.2020 to the show-cause notices dated 02.02.2020 and 03.02.2020, the High Court shall grant one opportunity to the petitioner to produce the proof of these replies subject to objections that may be taken by the election petitioner. If an additional opportunity is required to be accorded in terms of what has been observed above, we request the High Court to grant such opportunity on or before 31.08.2024. Thereafter, the High Court shall make an endeavour to decide the Election Petition at the earliest, for which learned senior counsel for the parties have assured to extend full cooperation.

6. The special leave petition is, accordingly, disposed of.

7. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR