

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

Civil Appeal No(s).5451/2023

SUVENDU DEY & ORS.

Appellant(s)

VERSUS

ELECTION COMMISSION OF INDIA & ORS.

Respondent(s)

(IA No. 79140/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 13-05-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHANFor Appellant(s) Mr. Devadatt Kamat, Sr. Adv.
Ms. Mithu Jain, AOR
Mr. Harsh Pandey, Adv.
Ms. Shailja Singh, Adv.For Respondent(s) Mr. Ankit Agarwal, AOR
Mr. Atul Raj, Adv.
Mr. Jayant Rao, Adv.Mr. Siddhesh Shirish Kotwal, AOR
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Mr. Tejasvi Gupta, Adv.
Mr. Pawan Upadhyay, Adv.
Mr. T.illayarasu, Adv.Mr. Srisatya Mohanty, AOR
Mr. Sanjeev Kaushik, Adv.
Ms. Ripul Swati Kumari, Adv.

Ms. Anju Thomas, AOR

Mr. Arun Majhi, Adv.
Mr. Shashank Tripathi, AOR

Ms. Kajal Dalal, AOR

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

1. Learned senior counsel for the appellants points out that

pursuant to our order dated 06.05.2024, the High Court has dismissed the Election Petition No.9/2021 as withdrawn vide order dated 09.05.2024, a copy whereof has been placed on record.

2. In this view of the matter, the vacancy of Legislative Assembly bearing Constituency No.167, Manicktala, Kolkata, West Bengal has now become available w.e.f. 09.11.2024. Even though, there is a maximum time-line prescribed under Section 151-A of the Representation of the People Act, 1951, we see no impediment in conducting the bye-election at the earliest, more so when the above-mentioned Constituency has been lying unrepresented since 20.02.2022, when the returned candidate - Sadhan Pandey unfortunately passed away.

3. Let the Election Commission of India, therefore, submit a schedule, in accordance with which the bye-election shall be held at the earliest. As of now, no further directions qua respondent no.3 are required to be issued.

4. Post this matter on 17.05.2024.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)