

ITEM NO.7 Court 3 (Video Conferencing) SECTION X

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

Miscellaneous Application No. 902/2021 in W.P.(C) No. 980/2019

(Arising out of impugned final judgment and order dated 04-03-2021 in W.P.(C) No. No. 980/2019 passed by the Supreme Court Of India)

VIKAS KISHANRAO GAWALI & ORS. Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS. Respondent(s)

(FOR ADMISSION and IA No.71760/2021-EXEMPTION FROM FILING O.T. and IA No.71763/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.71754/2021-APPLICATION FOR PERMISSION[FOR CONSIDERING COMPLIANCE REPORT])

Date : 09-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For parties:

Mr. Somanatha Padhan, AOR

Mr. Amol B. Karande, AOR
Mr. Dilip B.Rode, Adv
Mr. Sandesh R.Patil, Adv.,
Mr. Mahesh B.Karande, Adv

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Mr. A.B. Kadethankar, Adv.
for State Election Commission

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

We have heard learned counsel for the State Election Commission as well as for the State Government.

A letter was circulated on behalf of the State

Government for adjournment.

In our opinion, there is no need to adjourn the matter as the State has no say in the matter of deciding the publication of dates and election schedule. That is the prerogative of the State Election Commission.

Learned counsel for the State Election Commission has invited our attention to recent notification issued by the State Government dated 11.08.2021, in particular, clause 13 thereof. This clause cannot constrict the directions given by this Court in terms of decision dated 04.03.2021, in respect of constituencies which have become vacant as a consequence of the said decision. That process ought to be taken forward provided the State Election Commission is satisfied, that the current situation would permit continuing with the election process. As aforesaid, that is the prerogative of the State Election Commission.

In other words, the notification dated 11.08.2021 bearing No. Corona 2021/C.R.366/Arogya-5 issued by the Chief Secretary, Government of Maharashtra will be no impediment for the State Election Commission to proceed to take appropriate decision in accordance with law in terms of the directions given in order dated 04.03.2021.

The State Election Commission may submit compliance report after six weeks.

List this matter on 21.10.2021.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)