

ITEM NO.502

COURT NO.2

SECTION X

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

Writ Petition (Civil) No.493/2022

SUBHASH DESAI

Petitioner

VERSUS

PRINCIPAL SECRETARY, GOVERNOR OF
MAHARASHTRA & ORS.

Respondents

(With IA No.101777/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 100297/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.108739/2022 - EXEMPTION FROM FILING O.T., IA No.92217/2022 - EXEMPTION FROM FILING O.T., IA No.101776/2022 - INTERVENTION/IMPLEADMENT, IA No. 92216/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES and IA No. 92215/2022 - STAY APPLICATION)

WITH W.P.(C) No.469/2022 (X)

(With IA No.88964/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 88602/2022 - EXEMPTION FROM FILING O.T., IA No.89960/2022 - INTERVENTION APPLICATION and IA No.88601/2022 - STAY APPLICATION)

W.P.(C) No.468/2022 (X)

(With IA No.88604/2022 - EXEMPTION FROM FILING O.T. and IA No. 88603/2022 - STAY APPLICATION)

W.P.(C) No. 479/2022 (X)

(With IA No.90188/2022 - EX-PARTE STAY and IA No. 90189/2022 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 470/2022 (X)

(With IA No.88697/2022 - EX-PARTE STAY)

W.P.(C) No.538/2022 (X)

(With IA No.100285/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 98578/2022 - EXEMPTION FROM FILING O.T. and IA No.98577/2022 - STAY APPLICATION)

Date : 27-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Rohit Sharma, Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Javedur Rahman, Adv.
Mr. Harsh Pandey, Adv.
Mr. Revanta Solanki, Adv.
Mr. Amit Bhandari, Adv.
Mr. Anish R. Shah, AOR
Mr. Sunny Jain, Adv.
Mr. Nishant Patil, Adv.
Mr. Nizam Pasha, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.
Ms. Aparajita Jamwal, Adv.

WP 469/2022 Mr. Rakesh Kailash Sharma, Adv.
Mr. Prakash Sharma, Adv.
Mr. Alok Singh, Adv.
Mr. Abhinay, AOR

WP 468/2022 Mr. Abhikalp Pratap Singh, AOR

WP 479/2022, Mr. Javedur Rahman, AOR
WP 470/2022 &
WP 538/2022

For Respondent(s) Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Kanu Agrawal, Adv.

Mr. Shreyansh U. Lalit, Adv.
Mr. Rajat Nair, Adv.
Mr. Akshit Pradhan, Adv.
Mr. Anirudh Bhat, Adv.

For R-4

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Maninder Singh, Sr. Adv.
Mr. Chirag Shah, Adv.
Mr. Utsav Trivedi, Adv.
Mr. Nihar Thackeray, Adv.
Mr. Himanshu Sachdeva, Adv.
Ms. Manini Roy, Adv.
Ms. Shivani Bhushan, Adv.
Mr. Aniket B. Pawar, Adv.
Mr. Piyush Tiwri, Adv.
Mr. Ashish Yadav, Adv.
Mr. Abhinay, AOR

Mr. Ankit Yadav, AOR
Mr. Ratnesh Sharma, Adv.
Mr. Tarun Mehra, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Maninder Singh, Sr. Adv.
Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Abhikalp Pratap Singh, AOR
Ms. Gunjan Mangla, Adv.
Ms. Aagam Kaur, Adv.
Mr. Abhay Anturkar, Adv.
Mr. Nihar Thackeray, Adv.
Mr. Dhruva Sharma, Adv.
Ms. Aarzo Aneja, Adv.
Ms. Ira Mahajan, Adv.
Mr. Karsin Manocha, Adv.
Ms. Shreya Saxena, Adv.
Ms. Yamini Singh, Adv.
Ms. Pracheta Kar, Adv.
Mr. Aditya Sidhra, Adv.
Mr. Nadeem Afroz, Adv.
Mr. Wedo Khalo, Adv.

For State of
Maharashtra

Mr. Pai Amit, AOR

Ms. Astha Prasad, AOR

Mr. Aaditya A. Pande, Adv.
Mr. Bharat Bagla, Adv.

Mr. Sachin Patil, AOR

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Ms. Shivani Bhushan, Adv.
Mr. Aniket B. Pawar, Adv.
Mr. Piyush Tiwri, Adv.
Mr. Ashish Yadav, Adv.
Mr. Aditya Sidhra, Adv.
Ms. Pracheta Kar, Adv.
Mr. Nadeem Afroz, Adv.
Mr. Abhinay, AOR

Mr. Gaurav Belsare, Adv.
Mr. Javedur Rahman, AOR

Mr. Kailash Prashad Pandey, AOR

Mr. T.R.B. Sivakumar, AOR

Mr. Aseem Sarode, Adv.
Mr. Ashok Kumar Gupta II, AOR

Dr. Gunratan Sadavarte, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Dv.
Mr. Raj Singh Rana, Adv.

For ECI

Mr. Arvind P. Datar, Sr. Adv.
Mr. Amit Sharma, Adv.

Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.

Mr. Vijay Pal, Adv.
Mr. Pramod Kumar Singh, Adv.
Mr. Arvind Kumar, Adv.
Mr. Kundan Lal, Adv.
Mr. Deepankar, Adv.
Ms. Kajal Singh, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Anil Kumar, Adv.

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

IA No 101776/2022 & IA No 101777/2022

- 1 The interlocutory application for impleadment/intervention is allowed.
- 2 We have heard Mr Kapil Sibal and Dr Abhishek Manu Singhvi, senior counsel appearing on behalf of the petitioner in support of the application for stay of the proceedings before the Election Commission.
- 3 Mr Neeraj Kishan Kaul, Mr Maninder Singh and Mr Mahesh Jethamalani, senior counsel appeared on behalf of the contesting parties.
- 4 Mr Tushar Mehta, Solicitor General appeared on behalf of the Governor and Mr Arvind Datar, senior counsel appeared on behalf of the Election Commission of India.
- 5 There shall be no stay of the proceedings before the Election Commission.
- 6 The Interlocutory Application seeking stay shall accordingly stand dismissed.

WP (C) No 493/2022, WP (C) No 469/2022, WP (C) No 468/2022, WP (C) No 479/2022, WP (C) No 470/2022 & WP (C) No 538/2022

- 1 List the Petitions for direction on 1 November 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar