

**ELECTION COMMISSION OF INDIA**  
Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 56/17/2021/PPS-III

Dated: 08<sup>th</sup> February, 2022

To,

Shri Shyamji Tripathi, I. Extension 358, Mohan Garden, Rama Park Road, Uttam Nagar, New Delhi - 110 059.	Shri Ravinder Manchanda, D-281, Defence Colony, New Delhi - 110 024.
Shri Rajesh Mangal, 258, Metro Apartment, Bhalaswa Crossing, Near Jahangirpuri Metro Station, Delhi - 110 033.	Shri Navneet Chaturvedi, B-8/227, 4 <sup>th</sup> Floor, Opp. Punjab & Sind Bank Training Center, Sector-3, Rohini, Delhi - 110085.


Subject:—"Samajwadi Janata Party (Chandra Shekhar)", a registered un-recognized Political Party, under Section 29A of R.P. Act, 1951- regarding.

Sir/Madam,

I am directed to forward herewith a copy of Court's order of Hon'ble High Court of Delhi passed in the matter of W.P.(C) No. 14370/2021 whereby the Commission's letter dated 24.03.2021 has been quashed. In pursuance to this, you are hereby informed that now no one can be considered as authorized office bearer of the party till the issue is resolved either amicably or through the orders from a competent Court of Law.

The Commission or the election machinery will not entertain any communication received from any groups of the party and will not recognize anyone as the authorized office bearer of the party until the dispute is settled.

Yours faithfully,

  
(Dilip Kumar Verma)  
Principal Secretary

Copy to:

1. Chief Electoral Officers of all States/UTs, with the instruction that there is no approved list of office bearers of the party as per the records of the Commission, hence Form-A and Form-B etc. can not be accepted from anyone on behalf of this party. This may be brought to the notice of all R.Os and Officers concerned for strict compliance.

2. Guard File.

Via Video Conferencing

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 14370/2021

SAMAJWADI JANATA PARTY (CHANDRA SHEKHAR)

..... Petitioner

Through Mr. Manik Dogra, Adv. with Mr.  
Lalltaksh Joshi, Adv.

versus

ELECTION COMMISSION OF INDIA & ANR.

..... Respondents

Through Mr. Sidhant Kr, Adv. for ECI  
Mr. Rakesh Kr. Singh, Adv. for the  
applicant in CM APPL. 4662/2022.

CORAM:  
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

27.01.2022

CM APPL. 4662/2022 (under Order 1 Rule 10 CPC)

1. This is an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908, filed by one Shri Shyamji Tripathi, seeking impleadment in the writ petition.
2. Keeping in view the admitted position that the impugned orders were passed at the behest of the applicant, the learned counsel for the petitioner as also for the respondent submit that, without admitting the averments made in the application, they have no objection to the impleadment of the applicant as a party respondent.

Signature valid

Signed By: GABRIEL MADAN  
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3. The application is accordingly partly allowed by impleading Shri Shyamji Tripathi as respondent no. 2. An amended memo of parties be filed during the course of the day.

W.P.(C) 14370/2021

4. The petitioner has approached this Court being aggrieved by the respondent no. 1/Election Commission of India's action in issuing the communications dated 18.03.2021 and 24.03.2021. <sup>pp 142, 164/10 v</sup> <sup>b. 230/10</sup> Vide these communications, the ECI has, taken on record the stand of the newly added respondent no.2 and some other persons, that they are the elected office bearers of the Samajwadi Janta Party (Chandrashekhar). The grievance of the petitioner is that despite the respondent no.1, having been made aware by a prior communication dated 12.03.2021, <sup>pp 231</sup> <sup>236/c</sup> that there were *inter se* disputes regarding the office bearers of the petitioner party, has proceeded to issue the impugned orders, which seek to convey that the ECI has recognized the newly elected members, including respondent no.2 as the authorized representatives of the party.
5. Upon notice being issued, a counter affidavit has been filed by the respondent no. 1, wherein it has been conceded that the respondent no. 1 has no jurisdiction to decide any such *inter se* disputes in respect of registered unrecognised political parties like the petitioner. Learned counsel for the newly impleaded respondent no. 2, also concedes that the respondent no. 1 has no jurisdiction to decide any such disputes in respect of a registered unrecognised political party.
6. In the light of this stand taken by the respondents, learned counsel for the petitioner, submits, that he does not propose to file any rejoinder

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and prays that, the petition be allowed by quashing the impugned orders.

7. In the light of the aforesaid stand taken by the parties, as also the well settled legal position that in respect of an unrecognized party, the ECI has no jurisdiction to decide to prefer the claim of one faction over another, the impugned orders which apparently seek to convey that the stand of the respondent no.2 and his other associates have been accepted by the respondent no.1, are clearly unsustainable. The said orders are accordingly quashed with a further direction to respondent no. 1, that in view of the inter se disputes between members of the petitioner, no order should be passed to convey the recognition of any of the two factions till the issue is resolved either amicably or in an appropriate legal proceeding.
8. Needless to state, this Court has not expressed any opinion on the rival claims of the petitioner and the respondent no. 2 and therefore, it will be open for them to raise their claims in an appropriate proceeding which will be decided in accordance with law.
9. The writ petition stands disposed of in the aforesaid terms.

JANUARY 27, 2022  
acm

REKHA PALLI, J

Signature valid

Signed By: GABRIEL MADAN  
Location:  
Signing Date: 27/01/2022  
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