

ITEM NOS.17+39

COURT NO.1

SECTION XVI

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 for Special Leave to Appeal (C) No. 12590/2018

(Arising out of impugned final judgment and order dated 08-05-2018 in MAT No. 371/2018 passed by the High Court At Calcutta)

WEST BENGAL STATE ELECTION COMMISSION & ORS.                      Petitioners

VERSUS

COMMUNIST PARTY OF INDIA (MARXIST) ITS  
AUTHORIZED MEMBER, WEST BENGAL STATE  
COMMITTEE & ORS.    Respondents

With

SLP(C) No. 15123/2018 (XVI)

(IA 82237/2018-APPROPRIATE ORDERS/DIRECTIONS, IA 82121/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA 82122/2018-EXEMPTION FROM FILING O.T. AND IA 82120/2018-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 03-07-2018 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioners

SLP 12590/2018

Mr. Amarendra Sharan, Sr. Adv.  
Mr. Shyam Divan, Sr. Adv.  
Mr. Kunal Chatterji, AOR  
Ms. Maitrayee Banerjee, Adv.

SLP 15123/2018

Petitioner-in-person

For Respondents/  
Applicants

Mr. P.S. Patwalia, Sr. Adv.  
Ms. Aishwarya Bhati, Adv.  
Mr. Kabir Shankar Bose, Adv.  
Mr. Nachiketa Joshi, AOR  
Mr. Ujjaval Kumar, Adv.  
Mr. Bharat Sood, Adv.

Mr. Sidharth Luthra, Sr. Adv.  
Mr. Zoheb Hossain, AOR  
Mr. Suhan Mukherjee, Adv.

Ms. Astha Sharma, Adv.  
Mr. Harsh Gursahni, Adv.  
Mr. Rajendra Dangwal, Adv.

Mr. Kalyan Bandopadhyay, Sr. Adv.  
Mr. Chanchal Kumar Ganguli, AOR  
Ms. Narmada, Adv.

Mr. Bikas Ranjan Bhattacharya, Sr. Adv.  
Mr. Subhasish Bhowmick, AOR  
Mr. Shamim Ahmed, Adv.  
Mr. Goldy Goyal, Adv.  
Mr. A.K. Mishra, Adv.  
Mr. Honey Verma, Adv.

Mr. Santi Ranjan Das, Adv.  
Mr. Anindo Mukherjee, Adv.

Mr. Bijan Ghosh, Adv.

Ms. Aparna Bhat, Adv.

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

Heard Mr. Amarendra Sharan, learned senior counsel appearing for the petitioner-West Bengal State Election Commission, Mr. Bikas Ranjan Bhattacharya, learned senior counsel for the respondent no. 1, Mr. Sidharth Luthra, learned senior counsel for the respondent no. 2, Mr. Kalyan Bandopadhyay, learned senior counsel for the respondent no. 4, and Mr. P.S. Patwalia, learned senior counsel appearing for the respondent no. 7.

In the course of hearing, a Chart has been filed by Mr. P.S. Patwalia, learned senior counsel. On a perusal of the Chart, it is manifest that there were elections at Zilla Parishad, Panchayat Samiti and Gram Panchayat levels. The total seats at the three levels were 825, 9,217 and 48,650 respectively. 203, 3,096 and 16,860 seats remained uncontested as far as the Zilla Parishad, Panchayat Samiti and Gram Panchayat

elections respectively are concerned. If we put it on a percentage basis, it would be 24.61%, 33.59% and 34.66% respectively.

On a different kind of calculation, it is perceptible that out of 58,692 total seats at all the levels, the uncontested seats are 20,159. Mr. Bhattacharya, learned senior counsel for the respondent no. 1, Mr. Santi Ranjan Das, learned counsel for an applicant and Mr. Sridhar Chandra Bagari, petitioner-in-person in SLP(C) No. 15123/2018 submit that the situation creates a sense of puzzle and inconceivable shock, especially when elections are expected to be held in a fair and pure manner. The emphasis on the purity of election definitely extends to the concept of a fair contest. There may be a situation, as the learned counsel for the respondents would submit, where certain seats may go uncontested. But when such a huge number of seats go uncontested, there is a feeling that something is rotten in the State of Denmark.

Mr. Amarendra Sharan, learned senior counsel for the petitioner prays that the matter be listed tomorrow, so that he can place the relevant information on affidavit.

Mr. Kalyan Bandopadhyay, learned senior counsel appearing for the respondent no. 4 submits that out of 16,860 seats in the Gram Panchayat elections, hardly 1,388 complaints were received and in case of Panchayat Samiti, only 285 complaints were received, whereas the number was 88 in case of Zilla Parishad. The submission is that when there is no complaint received by the State Election Commission, the colossal allegation made by the other respondents does not hold water.

At this juncture, Mr. Amarendra Sharan, learned senior counsel would add that wherever a complaint was received, that has been duly dealt with by the State Election Commission. Mr. Luthra, learned senior counsel appearing for the respondent no. 2 - State of West Bengal would contend that there was no law and order problem, as alleged by the respondents, and the elections were conducted in a fair and proper manner.

Let the matter be listed for further hearing at 2.00 p.m. tomorrow (4.7.2018).

(Deepak Guglani)  
Court Master

(H.S. Parasher)  
Assistant Registrar