REPORTABLE

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

EL. PET. No. 7 of 2022

Shri Okram Joy Singh, aged about 80 years old, S/o (L) Okram Ibomcha Singh, a permanent residence of Kakwa Huidrom Leikai, P.O. Canchipur, P.S. Singjamei, Imphal West District, Manipur – 795003.

(Indian National Congress (INC) Candidate)

…. Petitioner

- Versus -

Shri Karam Shyam, aged about 59 years old, S/o (L) Karam Biramani Singh, a permanent residence of Lilong Chajing Mairenkhong, P.O. Lilong Bazar & P.S. Singjamei, Imphal West District, Manipur – 795130. **Returned Bharatiya Janata Party (BJP) Candidate.**

…. Respondent

With

EL. RECR. PET. No. 5 of 2022

Shri Karam Shyam, aged about 59 years old, S/o (L) Karam Biramani Singh, a permanent residence of Lilong Chajing Mairenkhong, P.O. Lilong Bazar & P.S. Singjamei, Imphal West District, Manipur – 795130.

…. Petitioner

- Versus -

Shri Okram Joy Singh, aged about 80 years old, S/o (L) Okram Ibomcha Singh, a permanent residence of Kakwa Huidrom Leikai, P.O. Canchipur, P.S. Singjamei, Imphal West District, Manipur – 795003.

…. Respondent

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

For petitioner in EL. PET. No. 7 of 2022 and for respondent in EL. RECR. PET. No. 5 of 2022	Mr. H.S. Paonam, Senior Advocate instructed by Mr. B.R. Sharma, Advocate along with Mr. S. Gunabanta, Advocate
For respondent in EL. PET. No. 7 of 2022 and for petitioner in EL. RECR. PET. No. 5 of 2022	Mr. A. Mohendro, Advocate along with Mr. Kh. Lupenjit, Advocate and Mr. David Boon, Advocate
Date of judgment & order	14.07.2026

JUDGMENT & ORDER
(CAV)

A. ABBREVIATIONS:

[1] The following abbreviations/short forms have been used in this order (for the sake of brevity, convenience and clarity):

Sl. No.	Abbreviation/Short Form/other short references	Full Form/Expansion
1.	RP Act	the Representation of People Act, 1951(43 of 1951)
2.	said Election Rules	the Conduct of Election Rules, 1961
3.	MLR & LR Act	the Manipur Land Revenue & Land Reforms Act, 1960 (33 of 1960)
4.	MLR & LR Rules	the Manipur Land Revenue & Land Reforms Rules, 1961
5.	election petitioner	Shri Okram Joy Singh
6.	returned candidate	Shri Karam Shyam
7.	AC	Assembly Constituency
8.	ACs	Assembly Constituencies
9.	said AC	20-Langthabal Assembly Constituency, State of Manipur
10.	BJP	Bharatiya Janata Party
11.	INC	Indian National Congress
12.	NPP	National People's Party
13.	ECI	Election Commission of India
14.	NOTA	None of the above
15.	R1	first respondent
16.	R2	second respondent
17	R3	third respondent
18.	MC	miscellaneous case
19.	MCs	miscellaneous cases
20.	RO	Returning Officer
21.	w.e.f.	with effect from

22.	RTI	Right to Information Act, 2005 (22 of 2005)
23.	CPC	Code of Civil Procedure, 1908
24.	PIO	Public Information Officer
25.	said land	two parcels of homestead land comprised in CS Dag Nos. 894/1015 and 894/1521 *vide* Patta Nos. 176/873 and 176/1423 (new pattas) admeasuring 0.132 acres (5749.92 sq. ft.) and 0.033 acres (1437.48 sq. ft.) respectively
26.	said institute	Government Central Textile Institute, Kanpur (under Kanpur University)

B. <u>Factual matrix in a nutshell</u>:

[2] State of Manipur has a 60 (sixty) member unicameral legislature. On 08.01.2022, ECI announced general elections for 12th Manipur Legislative Assembly. One of the sixty ACs is 20-Langthabal Assembly Constituency (said AC) and captioned election petition pertains to said AC. In said AC, election petitioner was set up by INC and returned candidate was set up by BJP. One candidate set up by NPP and an independent were the other two contestants in the fray. It was a four cornered contest. Electorate in said AC is 28,128 out of which 26,576 cast their votes and 309 votes were rejected as invalid votes. Returned candidate polled 10,815 votes, election petitioner finished second with 8,762 votes, candidate set up by NPP finished third with 5,949 votes, the independent candidate polled 504 votes and 237 votes were cast *qua* NOTA. Polling in said AC was on 28.02.2022, results were declared on 10.03.2022 and the returned candidate i.e., candidate set up by BJP was declared elected securing 2,053 votes more than the election petitioner who finished second.

C. **The trajectory of captioned election petition:**

[3] Captioned election petition was filed in this Court (obviously by the election petitioner) on 20.04.2022 and it was presented on 28.04.2022. When the captioned election petition was filed/presented, while returned candidate was arrayed as R-1, candidate who contested as independent was arrayed as R-2 and the candidate set up by NPP was arrayed as R-3. Subsequently, *vide* a judicial order dated 25.04.2024 made in MC (EL. PET.) No. 18 of 2024, R-2 was deleted. R-3 was also deleted. Therefore, while four candidates were in the fray in the electoral tussle at the hustings, there are only two litigants in the fray in instant legal drill *vide* captioned election petition and this also means that returned candidate who was arrayed as R -1 has subsequently become sole respondent. In the interregnum, returned candidate filed a recrimination petition {Election Recrimination Petition No. 5 of 2022} on 24.05.2022 and written statement dated 16.08.2022 (presented on same day i.e., 16.08.2022). Post deletion of R-2 and R-3, election petitioner and returned candidate alone were in the fray, pleadings were complete (election petitioner had filed replication dated 20.10.2022), issues were framed by Hon'ble predecessor Bench on 18.07.2024 and as many as 14 issues were framed. Thereafter, when the captioned election petition was listed before this Bench on 03.02.2026, with the consent of learned counsel on both sides, issues were recast/pruned and five issues were framed. Proceedings/order of this Bench made in the listing on 03.02.2026 reads as follows:

'03.02.2026

Captioned election petition and Election Recr. petition are being taken up and heard out together.

2. Mr. H. S. Paonam, learned senior counsel instructed by Mr. S. Gunabanta, learned counsel on record in election petition and Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, learned counsel for returned candidate are before this Court.

3. This proceedings/order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listings on 25.11.2025 and 16.12. 2025 which read as follows:

> ***'25.11.2025***
>
> *In hearing today Mr. H. S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on behalf of election petitioner and Mr. A. Mohendro, learned counsel on behalf of returned candidate (first respondent)-Shri Karam Shyam Singh are before this Court.*
>
> *2. Issue now is regarding the other respondent Shri Karam Nabakishor Singh as notwithstanding earlier proceedings dated 13.10.2025, learned counsel on record for election petitioner is unable to assist this Court on this. However from the case file, it is seen that Mr. Abdul Baqee Khan and Mr. Syed Murtaza, learned Advocates have been filed a Vakalatnama dated 19.10.2022 on behalf of Shri Karam Nabakishor Singh but their names are not shown in the cause list. There is also a judicial order dated 30.08.2022 setting R3 ex-parte but this order does not mention the name of respondent No.3. To be noted, one Shri Hijam Somorendro Singh who was respondent No.2 when election petition was filed was since deleted vide a Judicial Order dated 25.04.2024 made in this MC (El. Pet.) No. 18 of 2024, this means that there are only two respondents namely returned candidate Shri Karam Shyam Singh and Mr. Karam Nabakishor Singh, as already alluded to supra, the position regarding service and as to whether he has entered appearance through counsel is not clear/certain. Let Registry put up a note and let counsel on record for the election petitioner assist this Court in next listing which will be on 16.12.2025.*
>
> *3. List on 16.12.2025. '*
>
> ***'16.12.2025***
>
> *Read this in conjunction with and in continuation of the earlier proceedings made in the previous listing on 25.11.2025.*
>
> *Pursuant to afore-mentioned proceedings, Registry has put up a note dated 05.12.2025.*
>
> *Be that as it may, in the hearing today, Mr. H.S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for the election petitioner (Shri Okram Joy Singh) and Mr. A. Mohendro, learned counsel for the returned candidate (Shri Karam Shyam) are before this Court.*

Adverting to earlier proceedings dated 25.11.2025, both sides submitted that when the election petition was filed, there were 3(three) respondents, R1(Shri Karam Shyam/returned candidate), R2(Shri Hijam Somarendro Singh) and R3(Shri Karam Nabakishore Singh).

In and by an order dated 30.08.2022, R3(Shri Karam Nabakishore Singh) was set ex-parte. Thereafter, R3(Shri Karam Nabakishore Singh), filed an application being MC(El.Pet.) No. 7 of 2024 with a prayer to set-aside the order setting him ex-parte. On 25.04.2024, MC(El.Pet.) No. 7 of 2024 filed by R3(Shri Karam Nabakishore Singh), was disposed of as having become infructuous. This means that 30.08.2022 order operates. This also means that, Shri R3(Karam Nabakishore Singh), remains ex-parte.

This takes this order to Shri H. Somarendro Singh, who was R2 when the election petition was filed. In and by order dated 25.04.2024 made in MC(El. Pet. No. 18 of 2024), the name of Shri Hijam Somarendro Singh, was deleted.

The narrative thus far means that there is only 1 contesting respondent and that contesting respondent is the returned candidate (Shri Karam Shyam). The election petition will now proceed on this basis.

Captioned El.Recr.Pet. No. 5 of 2022 taken out by returned candidate has to be heard out. Mr. A. Mohendro, learned counsel is ready to make submissions but Mr. S. Gunabanta, learned counsel for the election petitioner, requests for a short accommodation on the ground that he needs time to brief senior counsel Mr. H.S. Paonam,

This request is acceded to.

List after winter vacation.

List on 30.01.2026.'

4. The above proceedings/order make it clear that there are only two parties (now) in the captioned election petition and election recr. petition viz., election petitioner Shri Okram Joy Singh and returned candidate Shri Karam Shyam Singh.

5. Afore-referred learned counsel on both sides very fairly consented to have the election petition and election recr. petition taken up together and heard out together. By consenting for having election petition and election recr. petition taken up together, Mr. A. Mohendro, learned counsel for the returned candidate submitted that he will reserve his right to argue that he may have to let in evidence later. If this argument is made when election petition and election recr. petition are heard out together, this argument will be also considered and decided one way or other way by this Court. On this common platform, captioned election petition and recr. petition are taken up together.

6. As argument are to commence, this Court perused the issues. It is seen that as many as 14 (fourteen) issues have been framed on 18.07.2024 and this 18.7.2024 proceedings read as follows:

'18.07.2024

Mr. H.S. Paonam, learned senior counsel, appears on behalf of the petitioner; and Mr. A. Mohendro, learned counsel, appears on behalf of respondent No. 1 in EL.PET. No. 7 of 2022.

Having heard learned counsel appearing on behalf of the parties and perused the respective pleadings, the following issues are framed for determination in the present proceedings:-

1. *Whether non-disclosure of non-agricultural lands under Patta No. 176/873 (New) covered by C S Dag No. 894/1015 of Village No. 70 Chajing Part I belonging to Respondent No. 1 (on which Residential Buildings of Respondent No. 1 stands) in the relevant Column of Part B Para 7(ii) of the Form-26 Affidavit submitted by the Respondent No. 1 filed along with the Nomination Paper for 20-Langthabal Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022 amounts to swearing of false affidavit/declaration with regard to the assets of a candidate, his/her spouse or dependents, constituting corrupt practice irrespective of the impact of such a false declaration on the election of the candidate? It may be presumed that a false declaration impacts the election in respect of election of 20-Langthabal Assembly Constituency which would materially affect the election of Respondent No. 1.*

2. *Whether disclosure of wrong educational qualification of Respondent No. 1 at para 10 of the Form-26 Affidavit submitted along with the Nomination Paper for 20-Langthabal Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022 amounts to swearing of false affidavit/declaration with regard to the vital information of a candidate, his/her spouse or dependents, constituting corrupt practice irrespective of the impact of such a false declaration on the election of the candidate? It may be presumed that a false declaration impacts the election in respect of election of 20-Langthabal Assembly Constituency and thus, materially affect the election of Respondent No. 1. In the Form-26 Affidavit submitted by the Respondent No.1, the Respondent No. 1 has stated that he has passed Bachelor of Textile Engineering. The Respondent No. 1 has actually passed Bachelor of Textile Technology.*
3. *Whether the action of Respondent No. 1 and his son namely, Karam Gulmit and some other workers in beating Laishram Giri Singh alias Kokeshor Singh on the Polling Day of 28th February, 2022 at the Polling Station No. 20/18 amounts to indulging in corrupt practice in Election which would materially affects the result of the Election?*
4. *Whether the execution of the work of road construction by the Respondent No. 1 and his workers without the approval of the competent authority at (1) Langthabal Kunja NH102 to Mari Longbi (ii) Langthabal Kunja Mari Longbi to Little Rose Heinoumakhong and (iii) Lilong Hiyang Road (Meitei Lamkhai) have violated the Model Code of Conduct during the Election amounts to corrupt practice?*
5. *Whether distribution of money on behalf of Respondent No. 1 by on Thiyam Budhichandra Singh with the help of one Laishram Bikram Singh (Police Officer) amounts to indulging in corrupt practice in the Election?*
6. *Whether casting of votes of expired voters by impersonation by supporters of Respondent No. 1 in Polling Station No. 20/25 amounts to corrupt practice?*
7. *Whether, there is any cause of action in filing the present Election Petition; as much as to the fact that, according to the Election Petitioner, the cause of action of filing the said Election Petition arose only on 13/03/2022?*
8. *Whether the concise statement of material facts which materially affected the result of the returned candidate has been pleaded in the election petition so as to attract Section 100 and 101 of the Representation of People Act?*
9. *Whether, material particulars of the allegations and grounds stated in the Election Petition constitute triable cause?*
10. *Whether the issues raised are triable issues for the fact that no material facts and particulars have been stated?*

11. Whether, the allegations of corrupt practice be tried in the absence of Affidavit under Form 25 in terms of Rule 94 of the Representation of People Act and in absence of material particulars?
12. What is material effect in case of acceptance and whether any lapses of duties was there of Returning Officer while scrutinizing the nomination paper?
13. Whether grounds not taken before the Returning Office can be taken in the Election Petition?
14. Whether present petition is based on frivolous baseless allegation?

List for further proceedings on 08.08.2024.'

7. Learned counsel on both sides very fairly agreed to have the issues recast.

8. The issues are recast with the consent of learned counsel on both sides and based on the suggestions of learned counsel on both sides and the recast issues are as follows:

(i) Whether there is non-disclosure of non-agricultural lands particulars by the returned candidate?
(ii) Whether there is disclosure of wrong educational qualification details by the returned candidate?
(iii) Whether there were any lapses qua duties on the part of the returning officer in scrutiny of nomination papers?
(iv) What other reliefs the election petitioner is entitled to in the captioned election petition and election recr. petition?
(v) What other reliefs the returned candidate is entitled to in the captioned election petition and election recr. petition?

9. Learned counsel on both sides had the benefit of perusing the aforesaid recast issues, agreed to the same and further agreed that arguments will be advanced on the basis of the recast issues.

10. Mr. H.S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel for election petitioner commenced his submissions. Learned senior counsel submitted that he would predicate his campaign against the returned candidate's election on 2(two) grounds i.e., (a) Incorrect disclosure of educational qualification and (b) non-disclosure of assets. Learned senior counsel submitted that both these points are predicated on Section 33A of Representation of Peoples Act, 1951 ('RP Act' for the sake of brevity).

11. Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, learned counsel for returned candidate submitted that he will commence his submissions after learned senior counsel for election petitioner concludes.

12. At the request of both sides, list under the cause-list sub caption 'Part Heard' on 09.02.2026.'

(Underlining made now for ease of reference.)

[4] The afore-referred proceedings/order made by this Bench in the listing of captioned election petition on 03.02.2026 serves at least four purposes and they are as follows:

(i) in and *vide* paragraph No. 8, it sets out the recast issues on the basis of which captioned election petition was heard out;

(ii) it captures the trajectory which has led to only the election petitioner and returned candidate being in the fray in captioned election petition before this Court;

(iii) in and *vide* paragraph No. 5, the factum of learned counsel for returned candidate agreeing to have the election petition heard out without insisting on letting in evidence in recrimination petition has been captured;

(iv) it makes it clear that though originally several grounds such as corrupt practices were raised, subsequently election petitioner descoped the election petition and restricted it to three points viz., non-disclosure of non-agricultural land, wrong disclosure of educational qualification and improper acceptance (non-rejection) of nomination of returned candidate by RO on the teeth of these 2 points (non-disclosure and mis-disclosure) being raised as objections. Ultimately, the election petition was heard out, it was reserved for judgment and order on 23.06.2026.

[5] In and *vide* judicial order dated 16.08.2024 made by predecessor Hon'ble Chief Justice, a learned Advocate Commissioner was appointed (with consent of both sides) for recording evidence in captioned election petition. Learned Advocate Commissioner so appointed recorded evidence (deposition) and documents were marked as exhibits. 4 witnesses (PW1 to PW4) deposed on the side of election petitioner and 103 exhibits were marked. To be noted, exhibits were given alpha numeric identities starting from P/1(1). (1) i.e., number within parenthesis denotes exhibit number and the alpha numeric prefix before it i.e., P/1 denotes the witness through whom the exhibit was marked. Therefore P/1(1) denotes/means petitioner's side exhibit No. 1 marked through PW1. By way of illustrations P/1(2) denotes exhibit No. 2 marked through PW1, P/2(1) denotes exhibit No. 1 marked through PW2, so on and so forth. On the side of returned candidate, 11 witnesses (DW1 to DW11) were examined, 50 exhibits were marked starting from D/1/1 which denotes exhibit No. 1 marked through DW1, so and so forth. There are some minor differences in alpha numeric sequential marking but that really does not impact the case and exhibits and wherever necessary, elsewhere infra in this order/judgment, the same shall be referred to by that very exact alpha numeric indicator.

[6] As regards the trajectory, this Court, elsewhere infra in this judgment/order would be extracting and reproducing the proceedings made in the last 14 listings i.e., listings on 05.05.2025, 11.05.2026, 12.05.2026, 14.05.2026, 15.05.2026, 18.05.2026, 20.05.2026, 21.05.2026, 02.06.2026, 03.06.2026, 11.06.2026, 17.06.2026, 19.06.2026 and 23.06.2026 for an entirely different purpose which is not directly relevant/significant to the crux

and gravamen of the lis but necessary for capturing the trajectory comprehensively. Therefore, this Court now proceeds to set out the rival contentions, discussion on the same and also give its dispositive reasoning.

D. <u>Rival contentions, discussion and dispositive reasoning</u>:

[7] As would be evident from the recast issues (to be noted, issues were recast with the consent of both sides), the perimeter of the captioned election petition has been considerably descoped. Originally there were contentions pertaining to corrupt practices but ultimately what lies within the descoped perimeter *qua* legal drill at hand are only 5(five) issues. The issues are 5 in number but are 3 in terms of kernel of the matter. This Court deems it appropriate to write that the issues, though 5 in number are only 3(three) in terms of kernel of the matter as the 3 questions viz., (a) whether there was non-disclosure of non-agricultural land particulars by the returned candidate (b) whether there was wrong disclosure of educational qualification by the returned candidate and (c) whether there were any lapses on the part of the RO in accepting the nomination papers of returned candidate are questions which when answered will by way of sequitur answer issue Nos. 4 & 5, the reason being issue Nos. 4 & 5 are regarding the reliefs which the election petitioner and the returned candidate (respectively) are entitled to.

[8] The first and second points/issues turn on whether there was non-disclosure of non-agricultural land and whether educational qualification was wrongly disclosed by the returned candidate. To examine these two issues, it is necessary to look at Form-26 of said Election Rules. To be noted, Form-26 of

said Election Rules is a statutorily prescribed Form *vide* which a contestant has to set out (along with nomination papers before the RO) various details such as Permanent Account Number (PAN), Income Tax Returns, pending criminal cases (if any), conviction in criminal cases (if any), details of assets (movable & immovable), educational qualifications, etc., this Form-26 is in 2(two) parts viz., Part - A & Part - B. It is a printed Form (prescribed Form) which asks for specific details which have to be filled in by the contestant. While Part - A seeks particulars a little in detail, Part - B is an abstract of the details given in Part - A. One aspect of this Form which is significant to the issue at hand is, this Form consists of 11 serial numbers with several sub-serial numbers (under some of the serial numbers), serial Nos. 1 to 10 find their place under Part - A and serial No. 11 finds its place under Part – B and Part – B is captioned 'abstract of details given in serial No. 1 to 10 of Part- A'. The significant aspect is, it is a case of filling in a Form which seeks details and it is not a narration or an affidavit where a contestant can set out details by customising the same *qua* his/her details/data and adopt his/her writing style. This Form-26 is a statutory prescription (prescribed *vide* a piece of subordinate legislation) *qua* Rule 4A of said Election Rules which was inserted in said Election Rules w.e.f. 03.09.2022 and this Rule 4A reads as follows:

> *'4A. Form of affidavit to be filed at the time of delivering nomination paper. The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33 of the Act, also deliver to him an affidavit sworn by the candidate before a Magistrate of the first class or a Notary in Form 26.'*

[9] In the case at hand, as we are concerned with issues of non-disclosure of non-agricultural land (details of immovable assets) and wrong declaration of educational qualification, this Court deems it appropriate to write that Serial No. 7 of Form-26 is for filling in details of assets and Serial No. 10 is for filling in details regarding educational qualifications and to be noted, Serial No. 7A pertains to movable assets and Serial No. 7B pertains to immovable assets. A scanned reproduction of entire Form-26 is as follows:

[2][FORM 26

(*See* rule 4A)

Please affix your recent passport size photograph here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONG WITH NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION TO..... (NAME OF THE HOUSE) FROM..... CONSTITUENCY (NAME OF THE CONSTITUENCY)

PART A

I.....**son/daughter/wife of..... Aged.....years, resident of.....(mention full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:—

1. Added by S.O. 597 (E), dated 27th February, 1962.
2. Subs. by S.O. 1732(E), dated 1st August, 2012, for Form 26 (w.e.f. 1-8-2012). Earlier it was inserted by S.O. 935 (E), dated 3rd September, 2002 (w.e.f. 3-9-2002).

(1) I am a candidate set up by.....(**name of the political party)/**am contesting as an Independent candidate.

(**Strike out whichever is not applicable)

(2) My name is enrolled in.....(Name of the constituency and the State), at Serial No. ..... in Part No.....

[1][(3) My contact telephone number(s) is/are..... and my email ID (if any) is..... and my social media account(s) (if any) is/are (i).... ..... (ii)..... (iii).....]

[2][(4) Details of Permanent Account Number (PAN) and status of filing of income tax return:

Sl. No.	Names	PAN	The financial year for which the last income-tax return has been filed.	Total income shown in income tax return (in Rupees) for the last five Financial Years (as on the 31st March).
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta or Coparcener)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)

1. Subs. by S.O. 1133(E), dated 7th April, 2017, for paragraph (3) (w.e.f. 7-4-2017).
2. Subs. by S.O. 1023(E), dated 26th February, 2019, for paragraph (4) (w.e.f. 26-2-2019).

Sl. No.	Names	PAN	The financial year for which the last income-tax return has been filed.	Total income shown in income tax return (in Rupees) for the last five Financial Years (as on the 31st March).
6.	Dependent-3			(i)
				(ii)
				(iii)
				(iv)
				(v)

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".]

[1][(5) Pending criminal cases.—

(i) I declare that there is no pending criminal case against me.

(Tick this alternative, if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) *below)*

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)

TABLE

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Sections of concerned Acts/Codes involved *(give no. of the section, e.g. Section .....of IPC, etc.).*			
(d)	Brief description of offence			
(e)	Whether charges have been framed *(mention YES or NO)*			
(f)	If answer against item (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings *(Mention YES or NO)*			

(6) Cases of conviction.—

(i) I declare that I have not been convicted for any criminal offence.

(Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table given below)

1. Subs. by S.O. 5196(E), dated 10th October, 2018, for paragraphs 5 and 6 (w.e.f. 10-10-2018).

TABLE

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved *(give no. of the Section, e.g. Section ..... of IPC, etc.)*			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order *(Mention YES or NO)*			
(h)	If answer to item (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[*candidates to whom this item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN PARAGRAPHS 5(i) and 6(i) above.*]

Note:

1. *Details should be entered clearly and legibly in BOLD letters*
2. *Details to be given separately for each case under different columns against each item.*
3. *Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.*
4. *Additional sheet may be added if required.*
5. *Candidate is responsible for supplying all information in compliance of the Hon'ble Supreme Court's judgment in WP(C) No. 536 of 2011.*]

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets:

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

[1][Note 4: "Dependent" means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.]

1. Subs. by S.O. 5196(E), dated 10th October, 2018, for Note 4 (w.e.f. 10-10-2018).

Note: 5. Details including amount is to be given separately in respect of each investment.

[1][Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation,—For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries]

Sl. No.	Description	Self	Spouse	[1][HUF]	Dependent 1	Dependent 2	Dependent 3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Co-operative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, debentures/ shares and units in companies/Mutual funds and others and the amount						
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/ advance given to any person or entity including firm, company, Trust etc., and other receivables from debtors and the amount						
(vi)	Motor Vehicles/ Aircrafts/Yachts/ Ships (Details of Make, registration number etc. year of purchase and amount)						

1. Ins. by S.O. 1023(E), dated 26th February, 2019 (w.e.f. 26-2-2019).

Sl. No.	Description	Self	Spouse	[1][HUF]	Dependent 1	Dependent 2	Dependent 3
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/ interest						
(ix)	Gross Total Value						

B. Details of Immovable Assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

[1][Note: 3. Details should include the interest in or ownership of offshore assets.]

Sl. No.	Description	Self	Spouse	[1][HUF]	Dependent-1	Dependent-2	Dependent-3
1	2	3	4	5	6	7	8
(i)	Agricultural Land Location(s) Survey number(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(ii)	Non-Agricultural Land Location(s) Survey number(s)						
	Area (total measurement in sq.ft.)						
	Whether inherited property (Yes or No)						

1. Ins. by S.O. 1023(E), dated 26th February, 2019 (w.e.f. 26-2-2019).

1	2	3	4	5	6	7	8
	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	Commercial Buildings (including apartments) –Location(s) -Survey number(s)						
	area (total measurement in sq.ft.)						
	Built-up Area (total measurement in sq.ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the property by way of development, construction etc.						
	Approximate current market value						
(iv)	Residential Buildings (including apartments): -Location(s) -Survey number(s)						
	Area (total measurement in sq.ft.)						
	Built up area (Tota1 measurement in sq.ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						

1	2	3	4	5	6	7	8
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:—

(Note: please give separate details of name of bank, institution, entity or individual and amount before each item)

Sl. No.	Description	Self	Spouse	[1][HUF]	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial Institution, Amount outstanding, Nature of Loan						
	Loan or dues to any other individuals/ entity other than mentioned above Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						
[2][(ii)	Government dues: Dues to departments dealing with Government accommodation	(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election?					
		(B) If answer to (A) above is YES, the following declaration may be furnished, namely:—					

1. Ins. by S.O. 1023(E), dated 26th February, 2019 (w.e.f. 26-2-2019).
2. Subs. by S.O. 5196(E), dated 10th October, 2018, for serial number (ii) to (iv) and the entries relating thereto (w.e.f. 10-10-2018).

		(i) The address of the Government accommodation:					
		(ii) There is no dues payable in respect of above Government accommodation, towards— (a) rent; (b) electricity charges; (c) water charges; and (d) telephone charges as on .....(date) [the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter]. **Note:** "No Dues Certificate" from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.					
(iii)	Dues to Department dealing with Government transport (including aircrafts and helicopters)						
(iv)	Income tax dues						
		Self	Spouse	[1][HUF]	Dependent-1	Dependent-2	Dependent-3
(v)	GST Dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.]						

1. Ins. by S.O. 1023(E), dated 26th February, 2019 (w.e.f. 26-2-2019).

(9) Details of profession or occupation:

(a) Self.....

(b) Spouse.....

[1][(9A) Details of sources of income:

(a) Self .....

(b) Spouse .....

(c) Source of income, if any, of dependents, ...

(9B) Contracts with appropriate Government and any public company or companies—

(a) details of contracts entered by the candidate .....

(b) details of contracts entered into by spouse .....

(c) details of contracts entered into by dependents .....

(d) details of contracts entered into by Hindu undivided family or trust in which the candidate or spouse or dependents have interest .....

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners .....

(f) details of contracts entered into by private companies in which candidate or spouse or dependants have share .....]

(10) My educational qualification is as under:—

.....

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College University and the year in which the course was completed.)

PART B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART A:

1.	Name of the candidate	Sh./Smt./Kum.
2.	Full postal address	
3.	Number and name of the constituency and State	
4.	Name of the political party which set up the candidate (otherwise write 'Independent')	
[2][5.	Total number of pending criminal cases	

1. Ins. by S.O. 5196(E), dated 10th October, 2018 (w.e.f. 10-10-2018). Earlier paragraph (9A) was inserted by S.O. 1133(E), dated 7th April, 2017 (w.e.f. 7-4-2017).
2. Subs. by S.O. 5196(E), dated 10th October, 2018, for Serial number 5 and 6 and the entries under column (2) (w.e.f. 10-10-2018).

6.	Total number of cases in which convicted]		
7.	PAN of	Year for which last Income Tax return filed	Total income shown
	(a) Candidate		
	(b) Spouse		
	[1][(c) HUF		
	(d) Dependent]		

8. [1][Details of Assets and Liabilities (including offshore assets) in rupees]

	Description	Self	Spouse	[2][HUF]	Dependent-I	Dependent-II	Dependent-III
1	2	3	4	5	6	7	8
A.	Movable Assets (Total value)						
B.	Immovable Assets						
	I. Purchase Price of selfacquired immovable property						
	II. Development/ construction cost of immovable property after purchase (if applicable)						
	III. Approximate Current market price of-						
	(a) self-acquired assets (Total Value) (b) inherited assets (Total Value)						
9.	Liabilities						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institutions and others (Total)						
10.	Liabilities that are under dispute						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institutions and others (Total)						

1. Subs. by S.O. 1023(E), dated 26th February, 2019 (w.e.f. 26-2-2019).
2. Ins. by S.O. 1023(E), dated 26th February, 2019 (w.e.f. 26-2-2019).

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1	2	3	4	5	6	7	8
11.	Highest educational qualification: (Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/ University and the year in which the course was completed.)						

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom. I further declare that:—

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this the.....day of.....

DEPONENT

[10] The first point which is now being discussed pertains to Serial No. 7B. Certified copy of entire Form – 26 filled in and filed by the returned candidate has been marked as Exhibit P/1(56) and scanned reproduction of the same is as follows:

Certified to be true copy.

RETURNING OFFICER 20-LANGTHABAL AC

(343)

Ext. P/1(56)

भारतीय गैर न्यायिक

बीस रुपये

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TWENTY RUPEES

INDIA

INDIA NON JUDICIAL

OFFICE OF THE OATH COMMISSIONER (JUDICIAL) MANIPUR

MANIPUR

Form 26 (See rule 4A)

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTIONTO 12TH MANIPUR LEGISLATIVE ASSEMBLY (NAME OF THE HOUSE)FROM 20 – LANGTHABAL ASSEMBLY CONSTITUENCY (NAME OF THECONSTITUENCY)

PART A

I, **Karam Shyam**, son of Late Karam Biramani Singh aged 59 years, resident of Lilong Chajing Mairenkhong, P.O. Lilong-795130, P.S.: Singjamei, District: Imphal West State: Manipur, a candidate at the above election, do hereby solemnly affirm and state on oath as under:-

(1) I am a candidate set up by Bharatiya Janata Party (BJP).

(2) My name is enrolled in 20 – Langthabal Assembly Constituency of Manipur at serial number 517 in Part No. 38.

(3) My contact telephone number is +919862242090 and 7005481543, e-mail id is karamshyam32@gmail.com and my social media account (s) (if any) is/are

(i) Facebook Page:- https://www.facebook.com/KaramShyamLangthabalConstituency

(ii) Facebook Account:- https://www.facebook.com/LangthabalConstituency

(iii) Instagram Account:

(iv) Twitter Account : https://twitter.com/karam_shyam

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(4) Details of Permanent Account Number (PAN) and status of filing of Income tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income Tax Return(in Rupees) for the last five Financial Years completed (as on 31st March)	
1.	Self – Karam Shyam	EJRPS7328B	2020-21	(i)	Rs. 11,20,540/-
			2019-20	(ii)	Rs. 12,68,072/-
			2018-19	(iii)	Rs. 13,56,764/-
			2017-18	(iv)	Rs. 2,98,400/-
			2016-17	(v)	Rs. 3,15,500/-
2.	Spouse – Karam (O) Thangjam Sharmila Devi	CBOPD2361L	2020-21	(i)	Rs. 2,96,664/-
			2019-20	(ii)	Rs. 2,96,664/-
			2018-19	(iii)	Rs. 6, 96,000/-
			2017-18	(iv)	Rs. 6, 96,000/-
			2016-17	(v)	Rs. 6, 96,000/-
3.	HUF (If Candidate is Karta/Coparcener)	NIL	NIL	(i)	NIL
				(ii)	NIL
				(iii)	NIL
				(iv)	NIL
				(v)	NIL
4.	Dependent 1	NIL	NIL	(i)	NIL
				(ii)	NIL
				(iii)	NIL
				(iv)	NIL
				(v)	NIL

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5.	Dependent 2	NIL	NIL	(i)	NIL
				(ii)	NIL
				(iii)	NIL
				(iv)	NIL
				(v)	NIL
6.	Dependent 3	NIL	NIL	(i)	NIL
				(ii)	NIL
				(iii)	NIL
				(iv)	NIL
				(v)	NIL

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(5) **Pending criminal cases**

(i) I declare that there is no pending criminal case against me. (Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)

Table

(a)	FIR No. with name and address of Police Station concerned	FIR No. 177(11)2021 SJM PS u/s 506/354/325/427/34-IPC & 25(1-C) Arms Act. Singjamei Police Station, Kakwa, Imphal West District, Manipur.	FIR No. 72(2)2017 SJM PS u/s 147/148/506/427/34 IPC & 27 Arms Act. Singjamei Police Station, Kakwa, Imphal West District, Manipur.	NOT APPLICABLE

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(b)	Case No. with Name of the Court	Not Applicable	After the closure report filed and accepted by the Ld. CJM, Imphal East on 22-12-2020, Criminal Revision filed by the Complainant being Criminal Revision Petition No. 4 of 2021 is pending before the Hon'ble High Court of Manipur challenging the order dated 22nd December, 2020 passed by the Hon'ble Court of Chief Judicial Magistrate, Imphal East in Cril. Misc. (FR) 37 of 2020.	NOT APPLICABLE
(c)	Section(s) of concerned Acts/Codes involved (give no. of the Section, e.g. Section.....of IPC, etc.).	Sections 506 / 354 / 325 / 427 / 34 of the Indian Penal Code, 1860 & 25(1-C) Arms Act, 1950.	Section 147/148/506/427/ 34 of the Indian Penal Code, 1860 & 27 of Arms Act, 1950.	NOT APPLICABLE
(d)	Brief description of offence	Alleged to have committed the offence of criminal intimidation, outraging the modesty of women, voluntarily causing grievous hurt and mischief with the use of License Gun at the residential gate of Pukhrambam Somorjit Singh of Lilong Chajing Chingkhong Leikai, Imphal West District, Manipur.	Alleged to have committed the offence of rioting with a deadly weapon and resulting into mischief and also criminal intimidation by using License Gun near the residence of one Yumnam Neta Singh of Lilong Chajing Awang' Leikai.	NOT APPLICABLE

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(e)	Whether charges have been framed (mention YES or NO)	NO	NO	NOT APPLICABLE
(f)	If answer against (e) above is YES, then give the date on which charges were framed	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)	NO	Criminal Revision Petition No. 4 of 2021 is pending before the Hon'ble High Court of Manipur challenging the order dated 22nd December, 2020 passed by the Hon'ble Court of Chief Judicial Magistrate, Imphal East in Cril. Misc. (FR) 37 of 2020 whereby discharging from the above case.	NOT APPLICABLE

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Cases of conviction

(i) I declare that I have not been convicted for any criminal offence. (Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below: NOT APPLICABLE

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
(b)	Name of the Court	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Section……. of IPC, etc.).	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
(d)	Brief description of offence for which convicted	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
(e)	Dates of orders of conviction	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
(f)	Punishment imposed	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
(g)	Whether any Appeal has been filed against conviction order (Mention YES or No	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE

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(h)	If answer to (g) above is YES, give details and present status of appeal	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6(i), above]

Note:

1. **Details should be entered clearly and legibly in BOLD letters.**
2. **Details to be given separately for each case under different columns against each item.**
3. **Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.**
4. **Additional sheet may be added if required.**
5. **Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W. P (C) No. 536 of 2011.**

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets :

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

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Note:- Details including amount is to be given separately in respect of each investment

Note:- Details should include the interest in or ownership of offshore assets.

Explanation:- For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries';

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand	Rs. 2,50,000/-	Rs. 75,000/-	NIL	NIL	NIL	NIL
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts). Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit	(i)AXIS Bank, Account No. 915010039156679:- Rs. 7,47,577.71/- as on 31/01/2022 (ii)HDFC, Singjamei, (Election Account) Account No. 50200061318497 Rs. 1,00,000/- as on 01/02/2022 (iii)State Bank of India, Account No. 20141747236 Rs 21,21,425.19/-as on 10/01/2022	(i)Punjab National Bank Account No. 0484011101564:- Rs. 46, 86, 411.30/- As on 10/01/2022 ii)AXIS Bank, Account No. 915010020157265 Rs. 12, 664/-as on 31/01/2022	NIL	NIL	NIL	NIL
(iii)	Details of investmept in Bonds, Debentures/Shares and units in companies/Mutual Funds and others and the amount.	NIL	NIL	NIL	NIL	NIL	NIL

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(iv)	Details of investment in NSC, Postal Saving, Insurance Policies and investment in any financial instruments in post office or Insurance Company and the amount	NIL	NIL	NIL	NIL	NIL	NIL

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(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount.	NIL	NIL	NIL	NIL	NIL	NIL
(vi)	Motor Vehicles/Aircrafts/ Yachts/Ships (Details of Make, registration number, etc. year of purchase and amount)	(i) Maruti Gypsy bearing Regd. No. MN1A – 9101 (year of purchase – 2003) Rs. 1,30,000/- (ii) Bollero bearing Regd. No. MN01X 9036 (year of purchase – 2012) Rs. 4,00,000/- (iii) M.G. Gloster bearing Regd. No. MN01AS 0090 (year of purchase – 2021) Rs. 35, 58,000/-	NIL	NIL	NIL	NIL	NIL
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)	6 Sans Rs. 80,000/-	11.5 Sans Rs. 1, 50,000 /-	NIL	NIL	NIL	NIL
(viii)	Any other assets such as value of claims/interest	Beretta Tom Cat (Point 32 Auto) Rs. 2,00,000/-	NIL	NIL	NIL	NIL	NIL
(ix)	**Gross Total value**	Rs 75, 87002.90/-	Rs 4924075. 30/-	NIL	NIL	NIL	NIL

B. Details of Immovable assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

Note: 3. Details should include the interest in or ownership of offshore assets

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S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	**Agricultural Land** Location(s) Survey number(s)	NIL	NIL	NIL	NIL	NIL	NIL
	Area (total measurementin acres)	NIL	NIL	NIL	NIL	NIL	NIL

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	Whether inherited property (Yes or No)	NIL	NIL	NIL	NIL	NIL	NIL
	Date of purchase in case of self - acquired property	NIL	NIL	NIL	NIL	NIL	NIL
	Cost of Land (in case of purchase) at the time of purchase	NIL	NIL	NIL	NIL	NIL	NIL
	Any Investment on the land by way of development, constructionetc.	NIL	NIL	NIL	NIL	NIL	NIL
	Approximate Current market value	NIL	NIL	NIL	NIL	NIL	NIL
(ii)	**Non-Agricultural Land** Location(s) Survey number(s)	NIL	NIL	NIL	NIL	NIL	NIL
	Area (total measurementin sq. ft.)	NIL	NIL	NIL	NIL	NIL	NIL
	Whether inherited property (Yes or No)	NIL	NIL	NIL	NIL	NIL	NIL
	Date of purchase in case of self - acquired property	NIL	NIL	NIL	NIL	NIL	NIL
	Cost of Land (in case of purchase) at the time of purchase	NIL	NIL	NIL	NIL	NIL	NIL
	Any Investment on the land by way of development, construction etc.	NIL	NIL	NIL	NIL	NIL	NIL
	Approximate current market value	NIL	NIL	NIL	NIL	NIL	NIL
(iii)	**Commercial Buildings** (including apartments) -Location(s) -Survey number(s)	NIL	NIL	NIL	NIL	NIL	NIL

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	Area (Total measurement in sq. ft.)	NIL	NIL	NIL	NIL	NIL	NIL
	Built-up Area (total measurement in sq.ft.)	NIL	NIL	NIL	NIL	NIL	NIL
	Whether inherited property (Yes or No)	NIL	NIL	NIL	NIL	NIL	NIL
	Date of purchase in case of self - acquired property	NIL	NIL	NIL	NIL	NIL	NIL
	Cost of property (in case of purchase) at the time of purchase	NIL	NIL	NIL	NIL	NIL	NIL
	Any Investment on the property by way of development, construction etc.	NIL	NIL	NIL	NIL	NIL	NIL
	Approximate current market value	NIL	NIL	NIL	NIL	NIL	NIL
(iv)	**Residential Buildings** (including apartments): -Location (s) -Survey number(s)	(i) Homestead land under Patta No. 176/873 (New) covered by C.S. Dag No. 894/1015 of Village No. 70 Chajing Part - I (ii) Homestead land under Patta No. 176/1423 (New) covered by C.S. Dag No. 894/1521 of Village No. 70 Chajing Part - I	NIL	NIL	NIL	NIL	NIL
	Area (Total measurement in sq. ft)	(i) .132 acre (5749.92 sq. ft) (ii) .033 acre (1437.48 sq. ft)	NIL	NIL	NIL	NIL	NIL
	Built up Area (Total measurement in sq. ft.)	(i) 2698 Sq. ft. (ii) NO	NIL	NIL	NIL	NIL	NIL
	Whether inherited property (Yes or No)	NO	NIL	NIL	NIL	NIL	NIL
	Date of purchase in case of self – acquired property	(i) 24-02-2012 (ii) 11-10-2019	NIL	NIL	NIL	NIL	NIL
	Cost of property (in case of purchase) at the time of purchase	(i) Rs. 5,60,000/- (ii) Rs. 4,50,000/-	NIL	NIL	NIL	NIL	NIL
	Any Investment on the land by way of development, construction etc.	(i) Rs. 1,00,00,000/- (ii) Rs. 2,00,000/-	NIL	NIL	NIL	NIL	NIL
	Approximate current market value	(i) Rs.1,20,00,000/- (ii) Rs.8,50,000/-	NIL	NIL	NIL	NIL	NIL

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(v)	Other (such as interest in property)	NIL	NIL	NIL	NIL	NIL	NIL
(vi)	Total of current market value of (i) to (v) above	Rs 1,28,50,000/-	NIL	NIL	NIL	NIL	NIL

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: Please give separate details of name of bank, institution, entity or individual and amount before each item)

Sl. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	**Loan or dues to Bank/Financial Institution(s)** Name of Bank or Financial Institution, Amount outstanding, Nature of loan	(i) State Bank of India, MU Campus – Amount outstanding – Rs. 38,26,626.15/- Nature of loan – Housing Loan	NIL	NIL	NIL	NIL	NIL
	Loan or dues to any other individuals/ entity other than mentioned above. Name(s), Amount outstanding, nature of loan	Manipur Legislative Assembly Secretariat Amount outstanding – Rs. 28,16,740/- Nature of loan – Motor Car Advance.	NIL	NIL	NIL	NIL	NIL
	Any other liability	NIL	NIL	NIL	NIL	NIL	NIL
	Grand total of liabilities	Rs 66,43,366.15/-	NIL	NIL	NIL	NIL	NIL

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(ii)	**Government Dues:** Dues to departments dealing with Government accommodation	(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ? (B) If answer to (A) above is YES, the following declaration may be furnished namely:- (i) The address of the Government accommodation: Quarter No. T-VII/6 at Sanjenthong. (ii) There is no dues payable in respect of above Government accommodation, towards- (a) Rent :-NIL (b) electricity charges:-NIL (c) water charges:-NIL and (d) telephone charges as on Not Applicable (date) [the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter]. Note- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.	YES
(iii)	Dues to department dealing with Government transport (including aircrafts and helicopters)	NIL	NIL

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		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income Tax dues	NIL	NIL	NIL	NIL	NIL	NIL
(v)	GST dues	NIL	NIL	NIL	NIL	NIL	NIL
(vi)	Municipal/Property tax dues	NIL	NIL	NIL	NIL	NIL	NIL
(vii)	Any other dues	NIL	NIL	NIL	NIL	NIL	NIL
(viii)	Grand total of all Government dues	NIL	NIL	NIL	NIL	NIL	NIL
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.	NIL	NIL	NIL	NIL	NIL	NIL

(9) Details of profession or occupation:

(a) Self:- Social Worker/Politics

(b) Spouse :- Retired Government Graduate Teacher

(9A) Details of source(s) of income:
(a) Self :- Salary from the Legislative Assembly
(b) Spouse :- Pensioner benefit

(c) Source of income, if any, of dependents,:- NOT APPLICABLE

(9B) Contracts with appropriate Government and any public company or companies

(a) details of contracts entered by the candidate :- NIL

(b) details of contracts entered into by spouse :- NIL

(c) details of contracts entered into by dependents :- NIL

(d) details of contracts entered into by Hindu Undivided Family or trust in which the

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candidate or spouse or dependents have interest :- NIL

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners :- NIL

(f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share :- NIL

(10) My educational qualification is as under:

Bachelor of Textile Engineering from Govt. Central Textile Institute ,Kanpur (under Kanpur University) in the year 1987.

(Give details of highest School / University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)

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PART – B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART - A:

1.	Name of the candidate			**Shri Karam Shyam**			
2.	Full postal address			Lilong Chajing Mairenkhong, P.O. – Lilong, P.S. – Singjamei, District – Imphal West, Manipur. Pin Code -795130.			
3.	Number and name of the constituency and State			20 – Langthabal Assembly Constituency, Manipur.			
4.	Name of the political party which set up the candidate (otherwise write 'Independent')			**Bharatiya Janata Party(BJP)**			
5.	Total number of pending criminal cases			2			
6.	Total Number of cases in which convicted			NIL			
7.		**PAN of**		Year for which last Income Tax Return filed		Total Income Shown	
	(a) Candidate	EJRPS7328B		2020-21		Rs. 11,20,540/-	
	(b) Spouse	CBOPD2361L		2020-21		Rs. 2,96,664/-	
	(c) HUF	NIL		NIL		NIL	
	(d) Dependent	NIL		NIL		NIL	
8.	**Details of Assets and Liabilities (including offshore assets) in rupees**						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	**Dependent-3**
A.	**Moveable Assets (Total value)**	Rs. 75,87,002.90/-	Rs. 49,24,075.15/-	NIL	NIL	NIL	NIL
B.	**Immovable Assets**		NIL	NIL	NIL	NIL	NIL
I	Purchase Price of self-acquired immovable property	Rs. 10,10,000/-	NIL	NIL	NIL	NIL	NIL
II	Development/construction cost of immovable property after purchase (if applicable)	Rs. 1,22,00,000/-	NIL	NIL	NIL	NIL	NIL

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		Approximate Current Market Price (a) Self-acquired assets (Total Value) (b) Inherited assets (Total Value)	Rs. 1,28,50,000/- NIL NIL	NIL	NIL	NIL	NIL	NIL
9.		**Liabilities**	BANK LAON	NIL	NIL	NIL	NIL	NIL
	(i)	Government dues (Total)	NIL	NIL	NIL	NIL	NIL	NIL
	(ii)	Loans from Bank, Financial Institutions and others (Total)	Rs.66,43,366.15/-	NA	NA	NA	NA	NA
10.		**Liabilities that are under dispute**						
	(i)	Government dues (Total)	NIL	NIL	NIL	NIL	NIL	NIL
	(ii)	Loans from Bank, Financial Institutions and others (Total)	NIL	NIL	NIL	NIL	NIL	NIL
11.		**Highest educational qualification**: Bachelor of Textile Engineering from Govt. Central Textile Institute, Kanpur (Under Kanpur University) in the year 1987. (Give details of highest School /University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)						

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VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at Imphal this 4th Day of February 2022

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned.

Note: 4. The affidavit should be either typed or written legibly and neatly.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

Solemnly affirmed before me on 04-02-2022 (Friday) at 10:34 am in the court premises by the declarant who is Identified by K. Satyajeet Singh, Adv. The declarant seems to understand the contents fully well on their being read over and explained to him.

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[11] The pleadings of the election petitioner as regards non-disclosure of agricultural land is articulated in sub-paragraph (a) of paragraph No. 18 and paragraph No. 25 of the election petition and the same read as follows:

> *'18. That, it is stated that on bare perusal of the Form-26 Affidavit dated 4-2-2022 filed by the respondent No. 1 along with this nomination papers, the following defect which are substantial in nature are found and same should result in rejection of the nomination of Respondent No. 1 at the time of scrutiny. The followings are the defects which are substantial in nature for which the nomination paper of the Respondent shall be liable to be rejected at the time of scrutiny and same will materially affect the result of the election of the Respondent No. 1:-*
>
> > *a) In Part B para (7) B-(ii) of the FORM – 26 affidavit of Respondent No. 1 for disclosure of Non Agricultural land, the Respondent No. 1 has marked/stated 'NIL' in the relevant column of his affidavit which is false because the himself has disclosed at Part B Para (7) B (iv) that he has two residential buildings separately on two different Non-Agricultural lands one under patta No. 176/873 (New) covered by C.S. Dag No. 894/1015 of village No. 70 chajing Part-I and another under patta No. 176/1423 (New) covered by C.S. Dag No. 894/1521 of Village No. 70 Chajing Part – I. However, in the column for disclosing of non-agricultural lands, Respondent No. 1 has stated 'NIL' meaning he has no non-agricultural lands which in fact is false.*
> >
> > *b) ……*
>
> *In view of the above, false statement in the Form – 26 Affidavit of Respondent No. 1, the nomination papers of the Respondent No. 1 is liable to be rejected by the Returning Officer under Section 36(2) of the Representation of People's Act, 1951 and the Respondent No. 1 should not have been allowed to contest the 12th Manipur Legislative Assembly Election, 2022 from 20-Langthabal Assembly Constituency.*
>
> *25. That, it is stated that the Non-Agricultural land under Patta No. 176/873 (New) covered by C.S. Dag No. 894/1015 of village No. 70 Chajing Part – I and another under patta No. 176/1423 (New) covered by C.S. Dag No. 894/1521 of Village No.70 Chajing Part – I which belonged to the Respondent No. 1 is well substantiated by the certified Copy of the Jamabandi / Patta of the two said Non-Agricultural lands issued by Revenue Administration of Imphal West District, Manipur.*
>
> > ***Annexure – A/6*** *is the true and correct photocopy of the certified copy of the Patta No. 176/873 (New) covered by C.S. Dag No. 894/1015 of village No. 70 Chajing Part – I with verification for easy reference.*
> >
> > ***Annexure – A/7*** *is the true and correct photocopy of the certified copy of the Patta No. 176/1423 (New) covered by C.S.*

> *Dag No. 894/1521 of village No. 70 Chajing Part – I with verification for easy reference.'*

The above has been controverted by the returned candidate in sub-paragraph (a) of paragraph No. 16 and paragraph No. 22 of his written statement and the same read as follows:

> *'16. a) That with reference to Para 18 (a) of the election petition under reply, the answering Respondent No. 1 denies the contention made therein and begs to submit that the Petitioner is trying to mislead the Court by way of creating illusions by interpreting that Non-Agricultural and Residential Building are same when the prescribed form of Affidavit under Form-26 has specifically made different category for both the Non-Agricultural Land and Residential Building and as far as record of right maintained by the Revenue Department, Govt. of Manipur is concerned, there is no category of Non-Agricultural Land and it is either Agricultural or Homestead land or Shop-site plot and as such the contention made therein are vague and misleading and merely an allegation without any basis. And, moreover, as regards the properties/assets, what was intended by the Election Commission as well as the various judgement of the Supreme Court of India was that of non-disclosure, however, there is no concealment by the answering Respondent No.1 and have declared the same in the Nomination Paper.*
>
> *22. That in reply to the Para No. 25 of the election petition, the answering Respondent denies the allegations and begs to submit that the same has been already replied at the foregoing para No. 16 (A) above in the Written Statement.'*

[12] A careful perusal of the prescribed Form-26 (scanned and reproduced *supra)*, Form-26 as filled in and filed by the returned candidate (also scanned and reproduced *supra)*, more particularly serial No. 7B and rival pleadings (extracted and reproduced *supra)* make it clear that the entire point pertains to two parcels of homestead land (this Court is informed that the two parcels are contiguous) comprised in CS Dag Nos. 894/1015 and 894/1521 *vide* Patta Nos. 176/873 and 176/1423 (new pattas) admeasuring 0.132 acres (5749.92 sq. ft.) and 0.033 acres (1437.48 sq. ft.) respectively. This land shall be referred to as 'said land' for the sake of convenience and clarity. While the

returned candidate has clearly disclosed that he owns said land *vide* (iv) {residential buildings} of serial No. 7B of Form - 26, the contention of election petitioner is, returned candidate has filled in 'NIL' in the column *vide* (ii) of serial No. 7B of Form – 26 {non-agricultural land}. To put it differently, returned candidate has clearly disclosed that he owns said land (homestead land) and has also disclosed the built-up area (super structure, standing on said land) *vide* (iv) of serial No. 7B captioned *'residential buildings'* (besides mentioning the same as his residential address) but has not entered details of said land again in another column i.e., (ii) of serial No. 7B captioned *'non-agricultural land'*. The answer of returned candidate is, categories of lands in revenue records of Manipur *vide* MLR & LR Act and MLR & LR Rules are agricultural, homestead and shop-site plot and there is no classification with the nomenclature *'non-agricultural land'*. The further contention of the returned candidate is, he has in any event disclosed that he owns said land and therefore, it is not a case of non-disclosure of immovable assets.

[13] It would be desirable to discuss the case laws pressed into service by both sides after setting out rival contentions *qua* 2nd point/issue No. 2 also as there is considerable overlap and commonality in the propositions for which the case laws were pressed into service. Therefore, this Court now proceeds to set out and discuss point No. 2/issue No. 2. As already alluded to *supra,* point No. 2/issue No. 2 is alleged wrong disclosure of educational qualification. Exhibit P/1(56) which was marked by consent, about which there is allusion elsewhere *supra* also, is Form-26 filled in and filed by the returned candidate. This Exhibit P/1(56) brings to light that while filling in serial No. 10 (captioned 'my

educational qualification is as under') returned candidate has written *bachelor of Textile Engineering* from Government Central Textile Institute, Kanpur (under Kanpur University) in the year 1987. This 'Government Central Textile Institute, Kanpur (under Kanpur University)' shall be referred to as 'said institute' for the sake of convenience and clarity. The case of the election petitioner is, returned candidate has passed bachelor in *'Textile Technology'* from said institute whereas he has mentioned the same as *'Textile Engineering'*. To buttress this point, the election petitioner has taken the RTI route, obtained details of said institute and marked the same as Exhibit P/1(65) which contains details about the said institute. In and *vide* Exhibit P/1(65), it has been set out that while B. Tech in Textile Technology was a course available in said institute since its inception in 1958, B. Tech in Textile Engineering was introduced much later only in 2005. To be noted, the 'Public Information Officer' ('PIO' for the sake of brevity) of said institute, **Ms. Seema Shukla** (Librarian) was examined as DW-11 and Exhibits D/13 to D/16 being RTI application dated 31.08.2022, RTI reply dated 16.09.2022 certified copy of statement of marks in final B. Text. (Textile Technology) *qua* returned candidate in 1987 in said institute and letter dated 21.08.1982 issued by the Under Secretary of Government of Manipur, Education Department and certified by U.P. Textile Technology Institute, Kanpur were marked through DW-10 (to be noted, returned candidate examined himself as DW-10). These exhibits were put to PIO DW-11, she affirmed the same and her affirmations were again marked as Exhibits 1 to 4 (through DW-11) but strangely they have been assigned Exhibit Nos. D14/1, D15/1, D15/2, D16/1,

D16/2. Nonetheless as these Exhibits were marked by consent, this Court refrains from dilating more on these alpha numeric indicators.

[14] As regards rival pleadings *qua* 2nd point/issue No. 2, contention of the election petitioner are articulated in sub-paragraph b) of paragraph No. 18 and paragraph No. 26 of the election petition and the same read as follows:

> *'18. That, it is stated that on bare perusal of the Form-26 Affidavit dated 4-2-2022 filed by the respondent No. 1 along with his nomination papers, the following defect which are substantial in nature are found and same should result in rejection of the nomination of Respondent No. 1 at the time of scrutiny. The followings are the defects which are substantial in nature for which the nomination paper of the Respondent shall be liable to be rejected at the time of scrutiny and same will materially affect the result of the election of the Respondent No.1 :-*
>
> a) .....
>
> *b) At Para 10 of the FORM – 26 Affidavit of Respondent No. 1 for disclosing the Educational Qualification, the Respondent No. 1 has stated he has passed Bachelor of Textile Engineering from Government Central Textile Institute, Kanpur (Under Kanpur University) in the year 1987. The same information is also false, as upon enquiry, it is learnt that the Respondent No. 1 has passed Bachelor in Textile Technology (B. Text) from the said Institution.'*
>
> *In view of the above, false statements in the Form-26 Affidavit of Respondent No. 1, the nomination papers of the Respondent No. 1 is liable to be rejected by the Returning Officer under Section 36(2) of the Representation of People's Act, 1951 and the Respondent No. 1 should not have been allowed to contest the 12th Manipur Legislative Assembly Election, 2022 from 20-Langthabal Assembly Constituency.*
>
> *26. That, it is stated that the Respondent No. 1 have stated that he has passed Bachelor in Textile Engineering in 1987 from Government Central Textile Institute is in fact false and same would be well substantiated from the perusal of webpage of "About Institute" of the Uttar Pradesh Textile Technology Institute (Earlier known as Government Central Textile Institute) downloaded from the website of the Institute where it is clearly indicated that Under Graduate course of B. Tech in Textile Engineering was incepted/established only in 2005 and hence, the chance of passing Bachelor in Textile Engineering in 1987 by the Respondent No. 1 is NIL. One Electorate of 20-Langthabal Assembly Constituency namely Sanabam Ambison Singh have requested the Director, Uttar Pradesh Textile Technology Institute Kanpur to*

provide a certified copy of "About Institute" uploaded in the website of the Institute on 8-4-22 appending the downloaded copy from the web page of the Institute. The Reply of Director, Uttar Pradesh Textile Technology Institute to the application dated 8-4-2022 can be placed on record at the relevant time of trial of the present case provided the same is furnished by Director of Uttar Pradesh Textile Technology Institute otherwise this Hon'ble Court may be pleased to call for production of the said document by the said Institute at the appropriate stage of the trial of the present case.

The said Shri Sanabam Ambison Singh vide Application dated 28-3-2022 have requested for providing bona fide certificate of Respondent No. 1 who has passed from the esteemed Institute in 1987 in Textile Technology. The Director, U.P. Textile Technology Institute, Kanpur vide its letter dated 1-4-2020 have informed that the Respondent No. 1 did B.Text (Textile Technology) in 1987. Shri Sanabam Ambison Singh have also submitted application dated 25-3-2021 for providing the relevant list of passed out students in Textile Technology in the year 1987 from Government Central Textile Institute, Kanpur now Uttar Pradesh Textile Technology Institute, Kanpur and the Director, Uttar Pradesh Textile Technology Institute, Kanpur vide letter dated 1-4-2022 have furnished the list with the name of the respondent No. 1 at Serial No. 10 of the said list.

Annexure-A/8 is the true and original copy of the personal copy/office copy of the Application dated 8-4-2022 along with the about Institute web page of "About Institute" downloaded from the website of Uttar Pradesh Textile Technology Institute which was handed over by one Sanabam Ambeson Singh to the present petitioner with verification for easy reference.

Annexure-A/9 (Colly) is the true and correct photocopy of the Original Application Personal Copy dated 28-3-2022 along with Reply dated 1-4-2022 and Original Application Personal Copy dated 25-3-2022 with Reply dated 4-1-2022 with verification for easy reference.'

The above has been responded to by the returned candidate in sub-paragraph (b) of paragraph 16 and paragraph 23 of the written statement of returned candidate and the same read as follows:

'16. That with reference to Para Nos. 18 of the election petition under reply, it is vehemently denied that "on perusal of the Form-26 Affidavit dated 04/02/2022 along with nomination papers of the answering Respondent, there are defect which are substantial in nature and the same should result in rejection of the nomination of the answering Respondent at the time of scrutiny." and beg to submit that, there having no substantial defect that would materially affect the election, the nomination paper was duly accepted.

a) .....

'b) That with reference to Para 18 (b) of the election petition under reply, the answering Respondent denies the contention therein and begs to submit that the answering Respondent No. 1 was a state nominee for B.E. for the course of Textile Technology. And, the Government of Manipur vide letter dated 21/08/19892 being No. 6/3/77-SE (PT.II) of the Secretariat: Education Department have specifically mentioned that, the answering Respondent No. 1 have been selected for admission to 1st year B.E. and B.E. stands for Bachelor of Engineering with the course being Textile Technology and hence, the answering Respondent No. 1 have as per records mentioned his Educational Qualification as Bachelor of Textile Engineering. Moreover, it is begged to mentioned herein that the answering Respondent No. 1 have undergone 4 years in the said course which is an Engineering Course. And there has been no objections from any quarter including the election petitioner in the nominations/affidavits filed for earlier assembly elections. And the Election Petitioner also failed to specify how such, defect, if it is of such a substantial nature as per the Petitioner, would materially affect the election.

It is further beg to submit that the said objections was turned down by the Returning Officer 20-langthabal as there is no defect of substantial character and had there been any defect, the same could have been rectified at the time of scrutiny.

23. That in reply to the Para Nos. 26 and 27 of the election petition, the answering Respondent denies the allegations and contentions made therein and beg to submit that, the answering Respondent No. 1 was a state nominee for B.E. for the course of Textile Technology. And, the Government of Manipur vide letter dated 21/08/19892 being No. 6/3/77-SE (PT.II) of the Secretariat: Education Department have specifically mentioned that, the answering Respondent No. 1 have been selected for admission to 1st year B.E. and B.E. stands for Bachelor of Engineering with the course being Textile Technology and hence, the answering Respondent No. 1 have as per records mentioned his Educational Qualification as Bachelor of Textile Engineering. Moreover, it is begged to mentioned herein that the answering Respondent No. 1 have undergone 4 years in the said course which is an Engineering Course. And there has been no objections from any quarter including the election petitioner in the nominations/affidavits filed for earlier assembly elections.

That, the answering Respondent No. 1 further denies the allegations that the on the ***"webpage of "About Institute" of the Uttar Pradesh Textile Technology Institute (Earlier Known as Government Central Textile Institute) downloaded from the website of the Institute where it is clearly indicated that Under Graduate course of B.Tech in Textile Engineering was incepted/established only in 2005 and hence, the chance of passing Bachelor of Textile Engineering in 1987 by the Respondent No. 1 is NIL"*** *it is humbly beg submit that from the said information, it can be perceived that the B. Tech Textile*

> *Engineering would have been introduce in the year 2005 at Uttar Pradesh Textile Technology Institute (Earlier Known as Government Central Textile Institute) and the said course is equivalent to Bachelor in Textile Engineering undergone by the answering Respondent cannot be established. In a plain reading of "B. Tech Textile Engineering" it can be presume as Bachelor of Technology in Textile Engineering, however, the fact remains the same that the answering Respondent was a state nominee to undergo B.E. (Bachelor of Engineering) in Textile Technology which is a 4 years course equivalent to engineering course.*
>
> *That, with respect to the contention that* ***"The Director, U.P. Textile Technology Institute, Kanpur vide its letter dated 1/4/2020 have informed that the Respondent No. 1 did B. Text (Textile Technology) in 1987"*** *it is beg to submit that vide the said information furnished, it cannot be established that the said course is not an engineering course as the fact remains the same that the answering Respondent No.1 was a State Government nominee to undergo B.E. course in Textile Technology.'*

[15] As regards point No.2/issue No. 2, to put it in a nutshell, there is no disputation about returned candidate having studied in said institute, having undergone a four year Bachelors Degree course and having passed the same/obtained degree in 1987. The only issue is, while this four years Bachelors Degree obtained by returned candidate from said institute is in *'textile technology'*, he has described the same as *'textile engineering'* in Serial No. 10 of Form-26.

[16] This Court, having set out the rival contentions on the two core points, now proceeds to delve into the case laws pressed into service by both sides as regards the afore-referred two points. Learned senior counsel for election petitioner pressed into service 8 (eight) case laws and an adumbration of the same is as follows:

(i) Union of India vs. Association for Democratic Reforms & Anr. [(2002)5 SCC 294]

(ii) People's Union for Civil Liberties (PUCL) & Anr. vs. Union of India & Anr. [(2003) 4 SCC 399]

(iii) Resurgence India vs. Election Commission of India & Anr.[(2014) 14 SCC 189]

(iv) Krishnamoorthy vs. Sivakumar & Ors. [(2015) 3 SCC 467]

(v) Pukhrem Sharatchandra Singh vs. Mairembam Prithviraj [(2016) SCC OnLine Mani 30]

(vi) Mairembam Prithviraj vs. Pukhrem Sharatchandra Singh [(2017) 2 SCC 487]

(vii) Karikho Kri vs. Nuney Tayang & Anr. [(2024) 15 SCC 112]

(viii) Ajmera Shyam vs. Kova Laxmi & Ors. [(2026) 3 SCC 373]

[17] Learned counsel for returned candidate pressed into service 11 (eleven) case laws and an adumbration of same is as follows:

(i) Jagan Nath vs. Jaswant Singh & Ors. [(1954) 1 SCC 57]

(ii) Rangilal Choudhuruy vs. Dahu Sao & Ors. [AIR 1962 SC 1248]

(iii) Harcharan Singh vs. S. Mohinder Singh & Ors.[AIR 1968 SC 1500]

(iv) Durai Muthuswami vs. N. Nachippan & Ors. [(1973) 2 SCC 45]

(v) G.S. Iqbal vs. K.M. Khadar & Ors.[(2009) 11 SCC 398]

(vi) M. Chandra vs. M. Thangamuthu & Anr. [(2010) 9 SCC 712]

(vii) Mangani Lal Mandal vs. Bishnu Deo Bhandari [(2012) 3 SCC 314]

(viii) Shambhu Prasad Sharama vs. Shri Charandas Mahant & Ors. [(2012) 11 SCC 390]

(ix) Karikho Kri vs. Nuney Tayang & Anr. [(2024) 15 SCC 112]

(x) Ajmera Shyam vs. Kova Laxmi & Ors. [(2026) 3 SCC 373]

(xi) Soibam Subhaschandra Singh vs. Sagolsem Kebi & 2 Ors. [Judgment & order dated 05.11.2025 made in El. Petn. No. 11 of 2022 by High Court of Manipur]

[18] As regards ***Union of India vs. Association for Democratic Reforms & Anr. [(2002)5 SCC 294]*** the judgment was rendered by Hon'ble Supreme Court on 02.05.2002 and the same was pressed into service by learned senior counsel for election petitioner for the proposition that voters/electors have fundamental rights enshrined in Article 19(1)(a) to know the background/antecedents of candidates. ***Association for Democratic Reforms*** was rendered by Hon'ble Supreme Court on 02.05.2002 and on facts, it originated as a public interest litigation filed in Delhi High Court seeking better transparency in elections. The matter travelled to Hon'ble Supreme Court and Hon'ble Supreme Court, speaking through a three member Bench *vide* order dated 02.05.2002 held that the voters'/electors' right to know the background of candidates is an integral part of fundamental right under Article 19(1)(a) of the Constitution. It was further held that an informed voter is essential for meaningful democracy and it was held that Article 324 vests ECI with plenary powers and such powers include powers to call upon candidates to file affidavits disclosing criminal antecedents, pending criminal cases, assets and liabilities (including those of spouse and dependents) and educational qualifications.

[19] ***People's Union for Civil Liberties (PUCL) & Anr. vs. Union of India & Anr. [(2003) 4 SCC 399]*** was also pressed into service for the same proposition i.e., that voters' right to know relevant background of

candidates is a fundamental right *vide* Article 19(1)(a) and Article 324 vests ECI with adequate powers in this regard. PUCL was rendered on 13.03.2003 and PUCL was also relied upon to highlight that Section 33B which was inserted *qua* RP Act with retrospective effect from 02.05.2002, it restricted the information candidates were required to disclose and Section 33B of RP Act was held to be unconstitutional. In this regard, it is deemed appropriate to write that after ***Association for Democratic Reforms*** case, Section 33B was enacted and it restricted the information candidates were required to disclose. In ***PUCL***, *inter-alia* constitutional validity of Section 33B was assailed as a provision violating fundamental rights of voters and ultimately in ***PUCL*** directions given in ***Association for Democratic Reforms*** were resurrected, accepting the ground that Section 33B virtually nullified the directions given by Hon'ble Supreme Court in ***Association for Democratic Reforms*** case. To be noted, ***PUCL*** was also rendered by a three member Bench of Hon'ble Supreme Court.

[20] ***Resurgence India vs. Election Commission of India & Anr.[(2014) 14 SCC 189]*** was pressed into service by learned senior counsel for election petitioner for the same/similar proposition i.e., proposition that disclosure by candidates is essential as right of voters/electors to know such details has been held to be a fundamental right of a voter *vide* Article 19(1)(a). ***Resurgence India*** was rendered by Hon'ble Supreme Court on 13.09.2013 and in ***Resurgence India,*** afore-referred ***Association for Democratic Reforms*** and ***PUCL*** were reiterated. ***Resurgence India,*** on facts, was a case which dealt with the question as to whether candidates can leave certain columns blank in Form-26.

[21] ***Krishnamoorthy vs. Sivakumar & Ors. [(2015) 3 SCC 467]*** was also pressed into service for the proposition that voters' right to know the details of a candidate is a fundamental right *vide* Article 19(1)(a). On facts, ***Krishnamoorthy*** pertains to a local body election in Tamil Nadu and it was a case of a candidate disclosing one criminal case i.e., one crime number but not disclosing that investigation had concluded in eight other criminal cases, charge sheets had been filed and trial was pending against him. To be noted, ***Association for Democratic Reforms*** and ***PUCL*** was reiterated in ***Krishnamoorthy.***

[22] ***Mairembam Prithviraj vs. Pukhrem Sharatchandra Singh [(2017) 2 SCC 487]*** {judgment dated 28.10.2016} was pressed into service to buttress the argument that nomination of the returned candidate should have been rejected *vide* Section 32(2)(b) of RP Act for non-disclosure *qua* immovable assets and wrong disclosure *qua* educational qualification. On facts, ***Mairembam Prithviraj*** is a case where a candidate claimed that he has an MBA degree from Mysore University but was unable to produce any document to support this claim.

[23] To be noted, afore-referred ***Mairembam Prithviraj*** went to Hon'ble Supreme Court from this Court (High Court of Manipur) and the order of Hon'ble Single Bench of this Court is ***2016 SCC OnLine Mani 30*** (29.02.2016).

[24] ***Karikho Kri vs. Nuney Tayang & Anr. [(2024) 15 SCC 112]*** *(judgement dated 09.04.2024)* was pressed into service for the proposition that

RO can reject nomination papers if there is defect and in the instant case, there should have been rejection. On facts, ***Karikho Kri*** arose from Arunachal Pradesh Legislative Assembly Elections. Non-disclosure of owning of two wheelers, four wheeler by self, wife, son in Form-26 was the main issue. It was contended, by placing reliance on ***Karikho Kri*** that non-disclosure of said land as non-agricultural land *vide* serial No. 7B (ii) of Form-26 and disclosing educational qualification as bachelor degree in *Textile Engineering* after having obtained Bachelors Degree in *Textile Technology* is substantial and the nomination ought to have been rejected.

[25] The 8th and last case law relied on by the learned senior counsel for election petitioner is the oft-quoted ***Ajmera Shyam vs. Kova Laxmi & Ors. [(2026) 3 SCC 373]*** {judgment dated 14.08.2025}. ***Ajmera*** was a case of non-disclosure of income (assets) as shown in the income tax returns for four financial years out of the last five financial years and filling in NIL in relevant columns. The key issue was whether non-disclosure of past tax returns/omitting to mention past tax returns is of a substantial character.

[26] As regards the returned candidate, ***Jagan Nath vs. Jaswant Singh & Ors. [(1954) 1 SCC 57]*** {judgment dated 20.01.1954} was pressed into service for the proposition that interference in an election petition should not be done lightly. ***Rangilal Choudhuruy vs. Dahu Sao & Ors. [AIR 1962 SC 1248]*** {judgment dated 26.04.1961} , ***Harcharan Singh vs. S. Mohinder Singh & Ors.[AIR 1968 SC 1500]*** {judgment dated 01.05.1968} were pressed into service for the proposition that with regard to non-disclosure,

omission, wrong disclosure, a distinction has to be made between those which are substantial and those which are non-substantial/insubstantial.

[27] ***G.S. Iqbal vs. K.M. Khadar & Ors.[(2009) 11 SCC 398]*** {judgment dated 19.03.2009} was pressed into service for the proposition that when there is no case of non-compliance *qua* provisions of RP Act and when omission is not substantial, RO cannot reject the nomination. ***M. Chandra vs. M. Thangamuthu & Anr. [(2010) 9 SCC 712]*** {judgment dated 07.09.2010} was cited to buttress the argument that election petition cannot be filed on frivolous grounds. ***Mangani Lal Mandal vs. Bishnu Deo Bhandari [(2012) 3 SCC 314]*** {judgment dated 01.02.2012} was cited for the proposition that an election petition (to succeed) should demonstrate that omission, non-disclosure or mis-disclosure has materially affected the outcome of the election. ***Shambhu Prasad Sharama vs. Shri Charandas Mahant & Ors. [(2012) 11 SCC 390]*** {judgment dated 03.07.2012} was cited for the proposition that in cases of misdescription, the point to be seen is, whether there is substantial compliance as regards requirements *qua* Form-26. Interestingly ***Karikho Kri,*** which was pressed into service by the election petitioner, was relied upon by the returned candidate also but for the proposition that small property not being mentioned really does not matter and it is not substantial in nature. Similarly ***Ajmera*** cited on election petitioner's side being ***Ajmera Shyam vs. Smt. Kova Laxmi & Ors. [(2026) 3 SCC 373]*** was pressed into service by learned counsel for returned candidate also but for the proposition that as regards Form-26, interference is warranted only when omission is of a substantial nature consequently affecting the electoral

process and impacting voters' choice. ***Soibam Subhaschandra Singh vs. Sagolsem Kebi & 2 Ors. [Judgment & order dated 05.11.2025 made in EL. PETN. No. 11 of 2022 by Manipur High Court]*** was pressed into service to drive home the point that there are only three types of lands in Manipur and there is no revenue classification in Manipur under the head '*Non-agricultural land'*.

[28] Though 8(eight) case laws on the side of the election petitioner and 11(eleven) on the side of the returned candidate were pressed into service, in effect it is not 19(nineteen) but 17(seventeen) in all as 2(two) case laws viz., ***Ajmera*** and ***Karikho Kri*** have been cited by both sides.

[29] Before setting out discussion and dispositive reasoning *qua* case laws, this Court deems it appropriate to respectfully refer to the celebrated ***Padma Sundara Rao (Dead) & Anr. vs. State of Tamil Nadu & Ors. [(2002) 3 SCC 533]***. ***Padma Sundara Rao*** was rendered by a Constitution Bench and therefore, this Court respectfully refers to ***Padma Sundara Rao*** principle as *'declaration of law'* rather than '*ratio'*. On facts, ***Padma Sundara Rao*** arose out of land acquisition proceedings. The question was whether State gets a fresh period to make a declaration after land acquisition proceedings are quashed. In this factual backdrop, Hon'ble Supreme Court declared the law as to how case laws should be cited in judgments. It was made clear that case laws should be cited only after setting out facts and that even one difference in fact can make a world of difference, most relevant paragraph in ***Padma Sundara Rao*** is paragraph No. 9 and the same reads as follows:

> *'9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington v. British Railways Board. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.'*

[30] This Court, as part of instant legal drill, respectfully follows ***Padma Sundara Rao*** declaration of law in applying afore-referred case laws to factual matrix of case at hand.

[31] ***Association for Democratic Reforms*** arose out of a Public Interest Litigation (PiL) initially filed in Delhi High Court seeking transparency in elections, ***PUCL*** was filed directly in Hon'ble Supreme Court by resorting to Article 32 *inter alia* assailing Section 33 B of RP Act on the ground that it nullifies the directions given in ***Association for Democratic Reforms*** and ***Krishnamoorthy*** which pertains to a local body election (as already alluded to *supra)* is a case where the candidate completely suppressed 8(eight) criminal cases, charge-sheets have been filed in the same and active trial is pending against him. In ***Krishnamoorthy, Association for Democratic Reforms*** and ***PUCL*** were reiterated. While the principle in ***Association for Democratic Reforms*** and ***PUCL*** i.e., the principle that the rights of the voters to know details about the candidates is a facet of fundamental right *vide* Article 19(1)(a) is sacrosanct and indisputable, in the instant case the same serve as an established legal platform on which the factual matrix of case at hand has to be tested applying the principles in other case laws as touch stone to examine whether non-disclosure and wrong disclosure are substantial, materially

affecting the election or are the same 'insubstantial'. As regards factual matrix of instant case, the question as to whether afore-referred non-disclosure of homestead land under non-agricultural land head also and describing Bachelors Degree in *Textile Technology* as Bachelors Degree in *Textile Engineering* are substantial in nature materially affecting the outcome of the election is the point. In this regard, ***Resurgence India*** does not come to the aid of the election petitioner as ***Resurgence India*** is a case where the candidate left several columns in Form-26 blank. It is in this factual backdrop that Hon'ble Supreme Court made it clear that columns in Form-26 should not be left blank and leaving columns blank in Form-26 causes infraction of fundamental rights of voters *qua* Article 19(1)(a). It was also made clear that candidates must explicitly state 'nil' or 'not applicable', should not leave columns blank and ***Resurgence India*** was in the context of candidates leaving columns blank regarding criminal antecedents, assets, liabilities and educational qualifications in Form-26. This Court has no hesitation in writing that ***Pukhrem Sharatchandra Singh/Mairembam Prithiviraj*** also do not come to the aid of the election petitioner as ***Pukhrem Sharatchandra Singh/Mairembam Prithiviraj*** is a case where a candidate claimed in Form-26 that he has an MBA (Master of Business Administration) Degree but was unable to produce any document to support his claim. In complete contradistinction, in the case at hand, the fact that the candidate studied in said institution and obtained a 4(four) years Bachelors Degree is not in dispute at all. The returned candidate having obtained a 4(four) years Bachelors Degree in '*Textile Technology'* had referred to the same as '*Textile Engineering'* in Serial No. 10 column of Form

26 and this alone is the issue. As regards ***Karikho Kri***, it does not come to the aid of the election petitioner, as on facts, it was a case where the returned candidate had not disclosed ownership of a Hero Honda CD dawn motor cycle, Kinetic Zing Scooty owned by his wife, Maruti Omni, Ambulance owned by his wife and TVS star city motor cycle owned by his son. The returned candidate had also not submitted 'No Due Certificate' with regard to electricity charges and this was also an issue. In ***Karikho Kri***, Hon'ble Supreme Court held that every defect in a nomination cannot straight away be termed to be of such a character as to render its acceptance improper and each case would have to turn on its own individual facts in so far as this aspect is concerned. Hon'ble Supreme Court also made it clear that the case laws on the subject manifest that Hon'ble Supreme Court has always drawn a distinction between non-disclosure of substantial issues as opposed to insubstantial issues. The most relevant paragraph is paragraph No. 43 and the same reads as follows:

> *'43. Having considered the issue, we are of the firm view that every defect in the nomination cannot straightaway be termed to be of such character as to render its acceptance improper and each case would have to turn on its own individual facts, insofar as that aspect is concerned. The case law on the subject also manifests that this Court has always drawn a distinction between non-disclosure of substantial issues as opposed to insubstantial issues, which may not impact one's candidature or the result of an election. The very fact that Section 36(4) of the 1951 Act speaks of the Returning Officer not rejecting a nomination unless he is of the opinion that the defect is of a substantial nature demonstrates that this distinction must always be kept in mind and there is no absolute mandate that every non-disclosure, irrespective of its gravity and impact, would automatically amount to a defect of substantial nature, thereby materially affecting the result of the election or amounting to "undue influence" so as to qualify as a corrupt practice.'*

[32] In ***Karikho Kri***, Hon'ble Supreme Court took an illustrative approach by referring to watches and held that if a candidate and his family

owned several high priced watches which would aggregate to a huge sum in terms of monetary value, it obviously has to be disclosed as it would constitute an asset of high value and also reflect upon lavish life-style of the candidate. Suppressing this would constitute undue influence whereas if a candidate and his family members own a simple watch which is not high priced, not mentioning about such watches and value of such watches may not amount to a defect at all. It was reiterated that each case would therefore has to be judged on its own facts. This has been set out in unequivocal terms with clarity and specificity by Hon'ble Supreme Court in paragraph No. 47 of ***Karikho Kri*** and the same reads as follows:

> *'47. Though it has been strenuously contended before us that the voter's "right to know" is absolute and a candidate contesting the election must be forthright about all his particulars, we are not inclined to accept the blanket proposition that a candidate is required to lay his life out threadbare for examination by the electorate. His "right to privacy" would still survive as regards matters which are of no concern to the voter or are irrelevant to his candidature for public office. In that respect, non-disclosure of each and every asset owned by a candidate would not amount to a defect, much less, a defect of a substantial character. It is not necessary that a candidate declare every item of movable property that he or his dependent family members own, such as, clothing, shoes, crockery, stationery and furniture, etc. unless the same is of such value as to constitute a sizeable asset in itself or reflect upon his candidature, in terms of his lifestyle, and require to be disclosed. Every case would have to turn on its own peculiarities and there can be no hard-and-fast or straitjacketed rule as to when the non-disclosure of a particular movable asset by a candidate would amount to a defect of a substantial character. For example, a candidate and his family who own several high-priced watches, which would aggregate to a huge figure in terms of monetary value, would obviously have to disclose the same as they constitute an asset of high value and also reflect upon his lavish lifestyle. Suppression of the same would constitute "undue influence" upon the voter as that relevant information about the candidate is being kept away from the voter. However, if a candidate and his family members each own a simple watch, which is not highly priced, suppression of the value of such watches may not amount to a defect at all. Each case would, therefore, have to be judged on its own facts.'*

[33] This Court has no hesitation in writing that ***Karikho Kri*** comes to the aid of the returned candidate rather than the election petitioner. In the case at hand, it is not a case of non-disclosure. There is no disputation or contestation that there was disclosure about said land. The point is, the disclosure having been made under sub-Clause (iv) of serial No. 7B of Form-26 in the column captioned *'residential buildings'* the same has not been repeated again under sub-Clause (ii) of serial No. 7B of Form-26 in the column captioned '*non-agricultural land'*. As regards the case laws cited by the returned candidate, ***Jagan Nath,*** on facts deals with failure to join a candidate who had withdrawn his candidature arose and the ratio is, an election contest is a creation of a statute and not a subject of common law or equity and rules must be strictly followed but it was made clear that minor procedural mistakes like leaving out a party who has withdrawn his candidature is not automatically fatal and cannot be done by strictly adhering to CPC. To be noted, RP Act *vide* Section 87(1) makes it clear that CPC shall be adhered to 'as nearly as may be' in trial of election petitions. To put it differently, CPC is not strictly applicable with all rigour to RP Act proceedings. ***Rangilal Choudhuruy*** on facts is one where, in the nomination paper, proposer had mistakenly written the name of the constituency as 'Bihar' instead of 'Dhanbad'. ***Harcharan Singh*** on facts is one where the candidate won a seat in Punjab Vidhan Sabha from Zira constituency while he was registered as a voter in Gidderbha constituency. The question was whether clerical omission of a candidate's age and house number renders the nomination void. It was held that a minor clerical or technical omissions does not invalidate nomination. ***Durai Muthuswami*** arose from Tamil Nadu where

the winning margin was 72 votes and the question as to whether the result was materially affected arose. On facts, the contention was, the nomination of the returned candidate ought not to have been accepted owing to he having a subsisting contract with the highways department of the State of Tamil Nadu. ***G.S. Iqbal*** was a case where a candidate belonging to one registered but not recognized political party contested in the reserved symbol of another recognized political party when the two political parties had formed a pre poll alliance. ***M. Chandra*** was a case where a candidate contested in a reserved constituency though she was professing and practicing Christianity. ***Mangani Lal*** on facts was a case of non-disclosure of first wife and dependent children born from that wedlock and their assets and liabilities. ***Shambhu Prashad*** on facts was a case of not filing prescribed affidavits showing debts/dues to Government.

[34] ***Karikho Kri*** has already been discussed in detail *supra* and this Court has come to the conclusion that ***Karikho Kri*** comes to the aid of the returned candidate rather than the election petitioner. ***Ajmera Shyam*** also has already been alluded to *supra* and it is a case where the returned candidate filled in NIL with regard to income tax returns for 4 out of 5 preceding assessment years and this was a case where it was held that incomplete disclosure need not necessarily be a corrupt practice. ***Soibam Subhaschandra Singh*** on facts is a case where the classification of lands in Manipur was gone into but the same was rendered by a Hon'ble Single Bench of this Court but it has been carried to Hon'ble Supreme Court, notice has been issued *vide* order dated 08.12.2025 in C.A. No. 014426/2025 and Hon'ble

Supreme Court is seized of the matter. Therefore as matter of judicial discipline the same is not being gone into. As regards the case laws pressed into service by the returned candidate, by respectfully applying ***Padma Sundara Rao*** declaration of law, this Court has no hesitation in coming to the conclusion that the question of whether a particular non-disclosure or mis-disclosure is substantial or insubstantial has to be gone into but by examining the peculiar facts of each case. In the light of the discussion and dispositive reasoning thus far, this Court has no hesitation in coming to the conclusion that the returned candidate having disclosed said land *vide* column captioned '*residential buildings'* {serial No. 7B(iv)}, not mentioning the same again *vide* column captioned '*non-agricultural land'* {serial No. 7B(ii)}, is not non-disclosure much less non-disclosure of substantial nature materially affecting the outcome of the elections. To be noted, MLR & LR Act and MLR & LR Rules does not have a non-agricultural land classification. To be noted, Revenue Officer of Lilong, Chajing i.e., Sub-Deputy Collector (SDC) deposed as PW4 and he has affirmed that as per land records in Manipur, lands are classified into four categories i.e., Ingkhol(Homestead land), Agricultural land (Phourel), Agricultural land (Anganphou) and Agricultural land (Taothabi). This Court is informed that Phourel, Anganphou and Taothabi are varieties of rice. PW4 has also categorically deposed that there is no classification of land as non-agricultural land in Manipur. The relevant portion of deposition of PW4 are as follows:

> '*Q2. Can you specify the classification of land exist in the State of Manipur?*
>
> *Ans. As per land record, there are 4(four) classification of lands namely i. Ingkhol(Homestead land), ii. Agricultural land (Phourel), iii.*

Agricultural land (Anganphou) & iv. Agricultural land (Taothabi) in the State of Manipur.

3. Is there any Jamabandi Patta in existence in the State of Manipur with the classification of land as non-agricultural land?

Ans. No.'

To be further noted, there is absolutely no material to demonstrate that the outcome of the election has been materially affected. As regards educational qualification, as there is no disputation that the returned candidate studied in said institute and obtained a 4 year Bachelors Degree pertaining to Textile Industry the distinction between *'Textile Technology'* and *'Textile Engineering'* certainly does not fall in the category of substantial mis-disclosure if the principles laid down by Hon'ble Supreme Court to distinguish between substantial and non-substantial/insubstantial non-disclosures/mis-disclosures are applied.

E. DISPOSITIVE REASONING QUA CRUX AND GRAVAMEN OF LIS:

[35] (a) The returned candidate has not filled in details of said land in Sl. No.7B (ii) captioned *'Non-Agricultural Land'* though he has clearly given/filled in details of said land in Sl. No. 7B(iv) of Form 26 captioned *'Residential Buildings'* - Whether this amounts to 'substantial non-disclosure' materially affecting the election? (b) The returned candidate has obtained 4 years Bachelors degree from said institute in a subject pertaining to textile industry - Whether mentioning / filling in this as '**Bachelor of Textile Engineering**' instead of '**Bachelor of Textile Technology**' in Sl. No. 10 (Sl. No. 10 captioned *'My Educational Qualification is as under:')* of Form 26,

amounts to 'substantial non-disclosure' materially affecting the election? (c) (a) and (b) were raised as objections before RO - Whether RO fell in error in not rejecting the nomination of returned candidate? To be noted, from here on, the short form 'Sl. No.' is being used to denote 'serial No.' for the sake of brevity.

The aforementioned three points constitute the epicentre of the lis and nucleus of the legal drill at hand and as already alluded to elsewhere *supra* in this order/judgment, determination *qua* afore referred three points will be the clear clincher in the legal tussle at hand i.e., legal tussle between the losing candidate and returned candidate (in this Court) who were locked in an electoral tussle at the hustings.

Though there is discussion and dispositive reasoning *qua* afore referred 3 points for determination, this Court deems it appropriate to plough into the same in greater depth and further hammer out the dispositive reasoning as these three points constitute crux and gravamen of instant lis. To add clarity, before ploughing into the crux and gravamen (3 points) of the matter, it is necessary to set out a survey of case laws which were adverted to in laying down that part of the ratio in ***Karikho Kri*** which serves as litmus test for identifying the distinction between 'substantial' and 'insubstantial/non-substantial' non-disclosures and mis-disclosures. Therefore, this Court embarks upon this exercise of survey of case laws adverted to in ***Karikho Kri*** in the paragraphs *infra*.

As already alluded to *supra*, Hon'ble Supreme Court in ***Karikho Kri v. Nuney Tayang (2024) 15 SCC 112*** has made it clear that Section

36(4) of RP Act talks about defects of substantial nature and therefore, distinction between 'defect' and 'defect of substantial nature' should be borne in mind besides making it clear that every non-disclosure, irrespective of its gravity and impact would not automatically amount to a defect of substantial nature materially affecting result of an election. To be noted, *vide* Section 36(4) of RP Act, a RO is under a mandate to not to reject a nomination paper for a defect unless it is of substantial character and this obtaining statutory position has been emphasised in ***Karikho Kri.*** It is further to be noted, Section 36 to the extent relevant of RP Act reads as follows:

> '***36. Scrutiny of nomination -***
>
> *(1) .....*
>
> *(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, [reject] any nomination on any of the following grounds:-*
>
> > *[(a) [that on the date fixed for the scrutiny of nominations the candidate] either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:-*
> >
> > *Articles 84, 102, 173 and 191, [*].*
> >
> > *[Part II of this Act, and sections 4 and 14 of the Government of Union Territories Act, 1963 (20 of 1963)] [*]; or*
> >
> > *(b) that there has been a failure to comply with any of the provisions of section 33 or section 34; or*
> >
> > *(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.]*
>
> *(3) .....*
>
> *(4) <u>The returning officer shall not reject any nomination paper on the ground of any [1][*] defect which is not of a substantial character</u>.*
>
> *(5) .....*

(6) .....

(7) .....

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board.'

(underlining made by this Court for ease of reference and for supplying emphasis)

In ***Karikho Kri -vs- Nuney Tayang***, on the afore referred aspect of the matter, Hon'ble Supreme Court has adverted to six case laws and they are as follows:

(i) L.R. Shivaramagowda and Ors. -vs- T.M. Chandrashekar and Ors., (1999) 1 SCC 666

(ii) Mangani Lal Mandal -vs- Bishnu Deo Bhandari, (2012) 3 SCC 314

(iii) Shambhu Prasad Sharma -vs- Charandas Mahant and Ors., (2012) 11 SCC 390

(iv) Kisan Shankar Kathore -vs- Arun Dattatray Sawant and Ors., (2014) 14 SCC 162

(v) Lok Prahari -vs- Union of India and Ors., (2018) 4 SCC 699

(vi) S. Rukmini Madegowda -vs- State Election Commission and Ors., (2022) 18 SCC 1

LR. Shivaramagowda and Ors. -vs- T.M. Chandrashekar and others - (1999) 1 SCC 666

Factual matrix *qua* ***Shivaramagowda*** is, election of a candidate to Karnataka Legislative Assembly was challenged *inter alia* on grounds of alleged corrupt practice, false representation regarding political affiliation and election expenses. Hon'ble High Court of Karnataka accepted the plea and

dislodged the returned candidate. On appeal (obviously by the returned candidate), Hon'ble Supreme Court examined whether pleadings in the Election Petition satisfy mandatory requirements adumbrated in RP Act. In this factual backdrop, Hon'ble Supreme Court held in categorical terms that an election petition must contain all material facts constituting complete cause of action *vide* Section 83(1)(a) of RP Act and failure to comply even with regard to one material fact is fatal to the Election Petition and the same cannot be cured by way of amendment after prescribed period of limitation. In this regard, Hon'ble Supreme Court also made it clear that *material particulars* are very different from *material facts*. While material facts constitute foundation of the case, material particulars merely amplify or explain the facts. That part of the ratio which is of acute significance *qua* legal drill at hand is, Courts must strictly enforce pleading requirements in Election Petitions because election law is a substantial jurisdiction governed by mandatory/statutory provisions.

Mangani Lal Mandal -vs- Bishnu Deo Bhandari - (2012) 3 SCC 314

Mangani Lal Mandal, on facts, was a case of accusation that the returned candidate suppressed material information in his election affidavit by not disclosing details about his first wife, dependent children from that marriage with his first wife, their assets and liabilities. Patna High Court, in the election petition, declared the election to be void *vide* Section 100(1)(d)(iv) of RP Act. On appeal (obviously by the returned candidate), Hon'ble Supreme Court allowed the appeal, restored the election of the returned candidate and held that mere non-disclosure or violation of affidavit requirements is not by

itself sufficient to set aside an election under Section 100(1)(d)(iv) of RP Act. In this regard, it was held that an Election Petitioner must plead with specificity and prove that alleged non-compliance has materially affected the result of the election and Hon'ble Supreme Court went on to hold that in the absence of such pleadings, an election cannot be declared void.

Shambhu Prasad Sharma -vs- Charandas Mahant and Ors. - (2012) 11 SCC 390

On facts, ***Shambhu Prasad Sharma*** is a case where election of a candidate from Korba Parliamentary Constituency in Chhattisgarh was assailed on the ground that acceptance of nomination by RO was improper as according to protagonist of the election petition, the returned candidate had not disclosed Government dues and liabilities in the affidavit accompanying the nomination. The jurisdictional High Court dismissed the Election Petition at the pre-trial stage itself on the ground that there is no cause of action as there is no pleading that the alleged improper acceptance of nomination had materially affected the result of the election and such pleadings is statutorily required *vide* Section 100 of RP Act. The unsuccessful protagonist of the election petition (to be noted, election petition was filed by an individual who contested as independent candidate in Korba Parliamentary Constituency) approached Hon'ble Supreme Court, Hon'ble Supreme Court upheld the decision of the jurisdictional High Court but held that a plea of alleged improper acceptance of nomination by RO cannot be made without pleading that such acceptance of nomination has materially affected the election result under Section 100 of RP Act. In this regard, Hon'ble Supreme Court held that the High Court was justified

in rejecting the Election Petition at pre-trial stage itself by resorting to Order VII Rule 11 of CPC on the ground that it lacks cause of action. In sum and substance, the ratio laid down in ***Shambhu Prasad Sharma*** is that an election petition must contain all material facts constituting complete cause of action as required under Section 83 of RP Act and in case of alleged improper acceptance of nomination paper under Section 100(1)(d)(i), the protagonist must specifically plead and establish that the alleged irregularity had materially affected the election and mere allegation of defects in the nomination of affidavit without such pleadings are insufficient to unseat/dislodge a returned candidate.

Kisan Shankar Kathore -vs- Arun Dattatray Sawant and Ors. - (2014) 14 SCC 162

Kisan Shankar Kathore is a case which arose from Maharashtra and election of one Mr. Kathore from Ambernath Assembly Constituency (reserved constituency) in 2004 elections was challenged by a voter (elector) on the ground that the returned candidate had not disclosed outstanding dues, assets and other statutory disclosures in Form 26. This matter travelled to Supreme Court and Hon'ble Supreme Court laid down the ratio that when false disclosure or non-disclosure deprive the voters of their right to make an informed choice, the same amounts to undue influence within the meaning of Section 123(2) of RP Act and it also constitutes corrupt practice constituting a valid ground for setting aside an election under Section 100 of RP Act. The baseline is, whether the alleged non-disclosure/mis-disclosure had deprived voters/electors of their right to make an informed choice.

Lok Prahari -vs- Union of India and Ors. (2018) 4 SCC 699

Lok Prahari is a case where a public spirited society formed by retired civil servants with significant constitutional experience filed a writ petition under Article 32 of Constitution of India in Hon'ble Supreme Court seeking judicial intervention to ensure transparency and financial monitoring of legislators to curb disproportionate accumulation of wealth. In support of this plea, the registered society i.e., Lok Prahari cited the case of numerous members of parliament and members of legislative assemblies where (according to Lok Prahari) there was 4 to 5 fold increase in their assets which according to Lok Prahari was disproportionate to their known sources of income. It was contended that this 4 to 5 fold increase was *qua* their assets when the members were first elected. Lok Prahari, protagonist of the Article 32 petition predicated its campaign for transparency and monitoring on the platform that ratio laid down by Hon'ble Supreme Court in oft quoted ***Association for Democratic Reforms (AIR 2002 SC 2112)***, ***People's Union for Civil Liberties [PUCL] (AIR 2003 SC 2363)*** and ***Resurgence India vs. Election Commission of India and Anr. (AIR 2014 SC 344)*** i.e., ***Association for Democratic Reforms***, ***PUCL*** and ***Resurgence*** principles have not been implemented and have been given a go by. Pausing the narrative here for a moment, this Court deems it appropriate to write that ***Association for Democratic Reforms (AIR 2002 SC 2112)***, ***People's Union for Civil Liberties (PUCL) (AIR 2003 SC 2363)*** and ***Resurgence India vs. Election Commission of India and Anr. (AIR 2014 SC 344)*** have been alluded to elsewhere *supra* in this order/judgment. In this factual backdrop,

Hon'ble Supreme Court went into the question as to whether it is permissible to make subordinate legislation stipulating that disproportionate accumulation of assets would disqualify the legislators within the meaning of Section 7(b) of RP Act. The possibility of establishing a body to undertake regular audit / monitoring of financial flow of legislators was also examined. All this was examined on the legal plank that the right of a voter/elector to know the source of income of candidates, his/her spouse and dependants is a fundamental right of voter/elector and that such fundamental right is a facet of Article 19(1)(a) of Constitution of India. In such a legal drill, Hon'ble Supreme Court made it clear that suppressing the source of income and financial contracts with Government and Government arms constitutes a fraud on the elector amounting to undue influence and that could result in disqualification and / or voiding the election and unseating the returned candidate.

S. Rukmini Madegowda -vs- State Election Commission and Ors., (2022) 18 SCC 1

On facts, **Rukmini Madegowda** arose from local body elections in Karnataka and it pertains to Ward No. 36 - Yerganahalli. Election of returned candidate was assailed primarily on the ground that she had falsely declared 'NIL' in the column meant for declaring assets/immovable properties of her spouse. In this regard, when the matter went to Hon'ble Supreme Court, it was concluded that non-disclosure was deliberate and it constitutes corrupt practice / undue influence and as a sequitur returned candidate was dislodged/unseated.

Reverting to ***Karikho Kri v. Nuney Tayang***, Hon'ble Supreme Court in ***Karikho Kri*** after adverting to/a survey of afore referred 6 case laws conclusively and categorically held that every defect / mis-disclosure or non-disclosure in a nomination paper does not *per se* and by itself qualify as a substantial defect/mis-disclosure or non-disclosure leading to improper acceptance when the RO accepts the nomination of returned candidate on the teeth of objections in this regard. As part of elucidation on this aspect of the matter, Hon'ble Supreme Court referred to the language in which sub-clause (4) of Section 36 of RP Act is couched and held that in the light of Section 36(4) of RP Act, the legal distinction between *substantial omissions* and *insubstantial / non substantial omissions* which do not impact the candidature or election outcome should always be kept in mind and that this legal distinction should be strictly maintained. The illustrative approach in ***Karikho Kri*** is *qua* watches/life style and this Court restrains itself from adverting to / setting out the same again here as there is allusion and articulation in this regard elsewhere *supra* in this order/judgment.

This Court, now tests the alleged non-disclosure of said land and mis-disclosure of educational qualification of the returned candidate in the instant case by respectfully applying the afore-referred ***Karikho Kri*** principle as litmus test. In the instant case, the fact that the returned candidate owns said land, that he has put up superstructure on the same and that he resides there has been clearly disclosed to the electorate. The reason is, that said land is homestead land, that the superstructure thereon is his dwelling house and that it is owned by him have been disclosed in Sl. No. 7B(iv) of Form 26

captioned *'residential buildings'*. To be noted, said land/superstructure thereon has also been given as residential address of the returned candidate. This means that the entire electorate in said AC i.e., 20 - Langthabal Assembly constituency, Manipur knew for sure, before voting, without any iota of doubt that the returned candidate resides in a house owned by him and that the details of the house including the extent of land, Dag numbers, extent of super structure and other details have been set out under the caption *'residential buildings' vide* column Sl. No. 7B(iv) of Form 26. Therefore, merely not mentioning the same details once again in column Sl. No. 7B(ii) of Form 26 definitely has not deprived the electorate/voter of the right to know that the returned candidate resides in a residential house which is owned by him besides knowing the details of the residential house. The sequitur is, the electorate/voter had no difficulty in making an informed choice in this regard. The further sequitur is, it has not affected, much less materially affected either the electoral process or the outcome. To take an illustrative approach and examine the matter hypothetically (without delving into the realm of surmises and conjectures), if a given voter is inclined to vote only to a candidate who lives in his/her own house, he/she would have voted in favour of the returned candidate. Likewise, if any other given voter had chosen to vote for a candidate who does not own a house, he would not have voted in favour of the returned candidate. Applying the same logic, to put it differently, if a voter/elector perceives a candidate who lives in his own independent house as landed gentry and does not want his vote to go to a person who according to him belongs to landed gentry, he would not have voted for the returned candidate. The net

result is, either way, there is no infraction of informed choice. On this aspect, i.e., regarding said land and alleged non-disclosure, the election petitioner has marked Ex. P/1(61) and P/1(62) which are certified copies of patta and to be noted the same have been marked on the side of returned candidate also as Ex. D/11 and D/12. It is really not necessary to examine these exhibits as there is no disputation or contestation that the returned candidate owns said land, he has put up super structure thereon, resides there and has disclosed this in Sl. No. 7B (iv) of Form 26.

As regards educational qualification, there is no shred of disputation or contestation that the returned candidate studied in said institute i.e., Government Central Textile Institute, Kanpur {under Kanpur University}, graduated in the year 1987 and he had obtained a 4 years Bachelor degree in a subject pertaining to Textile industry. The only point is, as regards discipline, whether it has been set out with exactitude in Sl. No. 10 of Form 26. While the returned candidate has obtained 4 years Bachelor degree in ***'Bachelor of Textile Technology'*** he has filled in the same as ***'Bachelor of Textile Engineering'*** in Sl. No. 10 of Form 26. However, the factum that the returned candidate has a 4 years Bachelor degree from said institute is not disputed; that he has obtained 4 years Bachelor's degree in the year 1987 is also not disputed; that the returned candidate has obtained this 4 years Bachelor degree in a discipline pertaining to textile industry is also not in dispute; the only issue is while the returned candidate has obtained 4 years Bachelor degree in *'textile technology'*, he has filled in the same as *'textile engineering'* in Form 26.

In support of this contention, the protagonist of the election petition i.e., the losing candidate has marked Ex. P/1(64) to P/1(70) the details of which are as follows:

Sl. No.	Exhibit	Description
1.	P/1(64)	Original letter dated 19.04.2022 from Seema Shukla, PIO, U.P. Textile Technology Institute, Kanpur (said institute) to Sanabam Ambison Singh as an elector who deposed as PW3
2.	P/1(65)	Certified copy of webpage about Uttar Pradesh Textile Technology Institute, Kanpur (said institute)
3.	P/1(66)	Copy of application dated 25.03.2022 to the Public Information Officer (PIO), Uttar Pradesh Textile Technology Institute, Kanpur (said institute) by Sanabam Ambison Singh requesting for list of passed out students of 1987 batch
4.	P/1(67)	Original copy of letter dated 01.04.2022 from Director, U.P. Textile Technology Institute, Kanpur (said institute) to Sanabam Ambison Singh
5.	P/1(68)	Original copy of letter dated 04.04.2022 issued by Seema Shukla, PIO, U.P. Textile Technology Institute, Kanpur (said institute) to Sanabam Ambison Singh
6.	P/1(69)	List of outgoing students of the final year (1986 – 87) B. Text
7.	P/1(70)	Original copy of the Alumni Directory, 2014 of Old Boys Association of said institute

As opposed to the above, on the side of the returned candidate exhibits D/13 to D/16 (pertaining to educational qualification) were marked and details of the same are as follows:

Sl. No.	Exhibit	Description
1.	D/13	RTI application dated 31.08.2022 by David Boon L., Advocate to the Director, U.P. Textile Technology Institute, Kanpur (said institute)
2.	D/14	RTI reply dated 16.09.2022
3.	D/15	Certified copy of statement of marks – final B. Text. (Textile Technology) Main Examination, 1987
4.	D/16	Letter dated 21.08.1982 from the Under Secretary (Edn.), Government of Manipur to the Principal, Government Central Textile Institute, Kanpur (nominating returned candidate on behalf of Government of Manipur)

The PIO of said institute has also been examined as DW - 11. It is really not necessary to examine afore-referred exhibits and/or go into deposition of DW-11 as there is no contestation or disputation regarding the fact that there are two separate courses namely, one in *textile technology* and another in *textile engineering* in said institute. There is also no dispute that in the year 1987 said institute did not offer 4 years Bachelor degree in textile engineering. As regards possible impact /undue influence *qua* election process and as regards the same materially affecting the election/election result, this Court is of the considered view that it would not have impacted the informed choice of the voter. The reason is, any voter who went to the polling booth on 28.02.2022 knew for sure that the returned candidate has obtained a 4 years Bachelor degree from said institute and that the 4 years degree pertains to

textile industry. To put it in very colloquial terms, every voter knew for sure that the returned candidate has a 4 year Bachelor's degree in a discipline pertaining to Textile industry from said institute. Therefore, if a voter/elector chooses to cast his vote in favour of a candidate with good literacy level i.e., literacy level of 4 year Bachelor's degree, he or she would have voted for the returned candidate. In this view of the matter, the contention of learned Senior Counsel that there is a world of difference between a technician and an engineer fades into insignificance.

Axiomatically, if another voter / elector is of the view that a highly qualified 4 year Bachelor degree holder may not be able to effectively represent the masses, he or she would not have voted in favour of the returned candidate. The corollary is, either way, this minor difference in disclosing the educational qualification of the returned candidate could not have by any stretch of imagination materially affected the outcome of the election. Furthermore, there is no shred of evidence to demonstrate that this has materially affected the election/election result.

As regards the aforesaid 3(three) points, a good and sound factual matrix parallel can be drawn from the facts of ***Karikho Kri*** regarding first point i.e., non-disclosure *qua* said land. In ***Karikho Kri***, one of the issues was failure on the part of returned candidate to disclose municipality/property taxes dues payable by him and his wife. The returned candidate had clearly disclosed the dues in serial No. 8 (vi) in Part - A of Form - 26 but has failed to repeat/write the same in serial No. 9 in Part - B of Form - 26. In the Supreme Court, learned senior counsel appearing for the losing candidate made it clear that he is not

pressing the ground pertaining to nondisclosure of municipality/property taxes dues payable by returned candidate and his wife as there is a disclosure in one part of Form - 26. Hon'ble Supreme Court, after clearly noticing that learned senior counsel for losing candidate is not pressing this point, made it clear that failure on the part of returned candidate to disclose municipality/property taxes dues payable by him and his wife cannot be held to be a non-disclosure at all inasmuch as he had disclosed the particulars of such dues in one part of the affidavit (Form - 26) but did not do so in another part (Form - 26) of the same affidavit. This is exactly the case in the captioned matter, as, while returned candidate has clearly disclosed details of said land and superstructure thereon, his ownership and his dwelling therein *vide* serial No. 7B (iv) of Form – 26 captioned '*residential building*' he has not set out the same again in serial No. 7B (ii) of the same Form - 26 captioned '*non-agricultural land*'. ***Karikho Kri***, on facts, applies squarely in all force to the facts of instant case. This Court respectfully follows ***Karikho Kri*** principle in this regard and has no hesitation in writing that as regards said land, it is not a case of non-disclosure at all.

As regards this first point regarding non-disclosure *qua* said land, relevant paragraphs in ***Karikho Kri*** are paragraph Nos. 11 & 53 and the same read as follows:

> *'11. As regards Issue 5, pertaining to the liability of Karikho Kri and his wife in respect of their dues of municipal and property taxes, the High Court found that Karikho Kri had disclosed the taxes due and payable by him and his wife in one part of the affidavit in Form 26 submitted by him, but failed to do so in another part thereof. He disclosed the dues in Part A. Clauses 8(vi) and (viii), but failed to disclose it in Clause 9 in Part B. Though the High Court held against Karikho Kri even on this count, Mr Arunabh Chowdhury, learned Senior Counsel, appearing for Nuney Tayang, fairly stated that he would not be pressing*

> *this ground as there was disclosure of the dues at least in one part of the affidavit in Form 26.'*
>
> *'53. As regards the failure on the part of Karikho Kri to disclose the dues of municipal/property taxes payable by him and his wife, the same cannot be held to be a non-disclosure at all, inasmuch as he did disclose the particulars of such dues in one part of his affidavit but did not do so in another part. In any event, as Mr Arunabh Chowdhury, learned Senior Counsel, fairly stated that he would not be pressing this ground, we need not labour further upon this point.'*

The second point pertains to alleged mis-disclosure of educational qualification. In this regard, on facts, there is no disputation or contestation that the returned candidate studied in said institute, graduated in the year 1987 and obtained a 4 years bachelor degree in a discipline pertaining to textile industry. The only issue is, while the returned candidate has obtained 4 years bachelor degree in *textile technology* he has written in Form 26 (in Sl. No. 10) that he has obtained 4 years bachelor degree in *textile engineering*. As there is elaboration and allusion in this regard elsewhere supra in this order, this Court refrains from delving into the same again to avoid burdening this order with repetition and ensuring that this order does not become verbose. Be that as it may, a careful examination of the obtaining legal position, as can be culled out from the case laws set out in discussions thus far *(supra)*, this Court has no hesitation in coming to the conclusion that merely describing *textile technology* as *textile engineering* is not substantial mis-disclosure and it is clearly non-substantial/insubstantial. Furthermore, besides being non-substantial/insubstantial, there is no material to demonstrate that it has in any manner materially affected the election or the outcome. Therefore, this Court has no hesitation in returning a finding that there is substantial compliance with regard to disclosure of requisite information as regards educational

qualification. The relevant paragraphs in ***Karikho Kri*** in this regard are paragraph Nos. 44 & 47 and the same read as follows:

> *'44. The decision of this Court in Kisan Shankar Kathore, also demonstrates this principle, as this Court undertook examination of several individual defects in the nomination of the returned candidate and found that some of them were actually insubstantial in character. This Court noted that two facets required consideration - whether there is substantial compliance in disclosing requisite information in the affidavits filed along with the nomination and whether non-disclosure of information on identified aspects materially affected the result of the election. This Court observed. on facts, that non-disclosure of the electricity dues in that case was not a serious lapse, despite the fact that there were dues outstanding, as there was a bona fide dispute about the same. Similar was the observation in relation to non-disclosure of municipal dues, where there was a genuine dispute as to re-valuation and re-assessment for the purpose of tax assessment. Earlier, in* ***Shambhu Prasad Sharma v. Charandas Mahant****, this Court observed that the form of the nomination paper is not considered sacrosanct and what is to be seen is whether there is substantial compliance with the requirement as to form and every departure from the prescribed format cannot, therefore, be made a ground for the rejection of the nomination paper.'*
>
> *'47. Though it has been strenuously contended before us that the voter's "right to know" is absolute and a candidate contesting the election must be forthright about all his particulars, we are not inclined to accept the blanket proposition that a candidate is required to lay his life out threadbare for examination by the electorate. His "right to privacy" would still survive as regards matters which are of no concern to the voter or are irrelevant to his candidature for public office. In that respect, non-disclosure of each and every asset owned by a candidate would not amount to a defect, much less, a defect of a substantial character. It is not necessary that a candidate declare every item of movable property that he or his dependent family members own, such as, clothing, shoes, crockery, stationery and furniture, etc. unless the same is of such value as to constitute a sizeable asset in itself or reflect upon his candidature, in terms of his lifestyle, and require to be disclosed. Every case would have to turn on its own peculiarities and there can be no hard-and-fast or straitjacketed rule as to when the non-disclosure of a particular movable asset by a candidate would amount to a defect of a substantial character. For example, a candidate and his family who own several high-priced watches, which would aggregate to a huge figure in terms of monetary value, would obviously have to disclose the same as they constitute an asset of high value and also reflect upon his lavish lifestyle. Suppression of the same would constitute "undue influence" upon the voter as that relevant information about the candidate is being kept away from the voter. However, if a candidate and his family members*

> *each own a simple watch, which is not highly priced, suppression of the value of such watches may not amount to a defect at all. Each case would, therefore, have to be judged on its own facts.'*
>
> ***(Underlining made by this Court for ease of reference)***

This Court/election tribunal is acutely conscious that the afore-referred paragraphs 44 & 47 of ***Karikho Kri*** pertain to movable assets in the form of a omni passenger van and 2 two wheelers which stood in the name of wife and son of returned candidate but were either sold or gifted but records continued to remain in the name of the returned candidate. Nonetheless, the principle (in the light of factual matrix of instant case) is, in a legal drill in an election petition under R.P. Act, more particularly legal drill *qua* Section 100 (1) (d) (i) and (iv) thereat, what requires to be examined is whether there is substantial compliance *qua* disclosure. It is in this regard that this Court has respectfully followed the ratio of Hon'ble Supreme Court *inter alia* in ***Karikho Kri*** as set out in paragraph Nos. 44 & 47 and has underlined the most relevant portions.

As regards said land as well as educational qualification, objections having been raised and RO not rejecting the nomination paper of the returned candidate is the third point. In ***Karikho Kri***, it was made clear that nomination paper is not considered sacrosanct and what is to be seen is whether there is substantial compliance with the requirement as to form and every departure from the prescribed format cannot be made a ground for rejection of the nomination paper. This principle coupled with sub-section (4) of Section 36 of RP Act which casts a statutory duty on every RO to not to reject any nomination paper on the ground of defect which is not of a substantial

character makes it clear that in the instant case RO refusing to reject nomination of the returned candidate cannot be found fault with.

Be that as it may, in ***Karikho Kri*** itself, it was also laid down as a principle that every case would have to turn on its own peculiarities and there can be no hard and fast or strait jacketed rule as to when non-disclosure of a particular asset by a candidate would amount to a defect of substantial character. It is in this regard, Hon'ble Supreme Court resorted to illustrative approach regarding high priced watches and simple watches of a candidate and his family and lifestyle about which there is allusion and elaboration elsewhere *supra* in this order. In this regard, even as a general principle, Constitution Bench has declared the law in ***Padma Sundara Rao*** (about which also there is allusion elsewhere *supra* in this order) that reliance on case laws will heavily depend on facts and even one minor variation in fact can make a world of difference. In this view of the matter, this Court, by respectfully following the principles laid down by Hon'ble Supreme Court, has no hesitation in coming to the conclusion that as regards the said land, it is not a case of non-disclosure at all and as regards educational qualification, a minor variation in describing '*textile technology*' as '*textile engineering*' is clearly and undoubtedly insubstantial/non-substantial which neither warrants rejection of nomination by RO under Section 36 of RP Act (inter alia owing to sub-Section (4) of Section 36 of RP Act) nor materially affects the election by causing infraction of fundamental rights of the voters/electors to know about their candidate which has been held to be a facet of fundamental right *vide* Article 19(1)(a). Sum

Sequitur is, all 3(three) points stand answered in favour of the returned candidate and not in favour of the election petitioner.

(F) REVERTING TO TRAJECTORY OF CAPTIONED ELECTION PETITION:

[36] As already alluded to *supra*, the captioned election petition was filed in this Court on 20.04.2022 and it was presented on 28.04.2022 and the instant order is being delivered in July 2026. The trajectory which the captioned election petition took has been captured and set out under the caption '***The Trajectory of Captioned Election Petition***' *supra*. This narration under the caption '***Reverting to Trajectory of Captioned Election Petition***' is an addendum which reproduces proceedings made in the last 14 listings which in turn will serve the purpose of broadly capturing the manner in which time was consumed in this Bench in hearing out the captioned election petition in spite of best efforts of all concerned i.e., Court and learned counsel on both sides in spite of difficulties and impediments:

> '***05.05.2026***
>
> *Mr. H.S. Paonam, learned Senior Advocate instructed by Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, learned counsel on record for returned candidate are before this Court.*
>
> *Though this Court is inclined to sit beyond the Court hours and hear the matter, learned counsel on both sides considering the exigency of time request for listing on Monday.*
>
> *Afore-referred joint/common request for adjournment is acceded to.*
>
> *List under the same cause-list caption i.e., 'HEARING PART HEARD' on 11.05.2026.*
>
> *List on 11.05.2026.'*
>
> '***11.05.2026***
>
> *Read this in conjunction with and in continuation of the earlier proceedings made in the previous listing.*

Today Mr. H. S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. A. Mohendro along with Mr. Kh. Lupenjit, learned counsel on record for returned candidate are before this Court (physical Court).

After continuing the argument for some time, Mr. H. S. Paonam, learned senior counsel expressed some personal difficulties (eye ailment) and submitted that he will continue his submissions tomorrow.

In the light of the narrative thus far, list the captioned matters under the same cause list caption i.e., 'HEARING PART HEARD' tomorrow (i.e., 12.05.2026).

List on 12.05.2026.'

'**12.05.2026**

Read this in conjunction with and in continuation of the earlier proceedings made in the previous listing yesterday which reads as follows:

'11.05.2026

Read this in conjunction with and in continuation of the earlier proceedings made in the previous listing.

Today Mr. H. S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. A. Mohendro along with Mr. Kh. Lupenjit, learned counsel on record for returned candidate are before this Court (physical Court).

After continuing the argument for some time, Mr. H. S. Paonam, learned senior counsel expressed some personal difficulties (eye ailment) and submitted that he will continue his submissions tomorrow.

In the light of the narrative thus far, list the captioned matters under the same cause list caption i.e., 'HEARING PART HEARD' tomorrow (i.e., 12.05.2026).

List on 12.05.2026.'

Today Mr. H.S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for election petitioner is before this Court and learned senior counsel is ready to advance arguments but there is no representation for returned candidate though the names of counsel for returned candidate (Mr. A. Mohendro, Ms. Ayangleima and Mr. Kh. Lupenjit) are duly shown in the cause-list.

This Court was inclined to list the matter tomorrow but Mr. H.S. Paonam, learned senior counsel requested for listing day after tomorrow citing difficulty for him. This request is acceded to.

List under the same cause-list caption i.e., HEARING PART HEARD day after tomorrow.

List on 14.05.2026.'

'14.05.2026

Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. A. Mohendro, learned counsel on record for returned candidate are before this Court (physical Court).

Though this Court is inclined to hear the captioned matters, Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. A. Mohendro, learned counsel on record for returned candidate made a common/joint request to have the captioned matter listed tomorrow citing counsel difficulty today. This request is acceded to.

List tomorrow under the same cause-list caption i.e., HEARING PART HEARD.

List on 15.05.2026.'

'15.05.2026

Mr. H. S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. A. Mohendro, along with Mr. Kh. Lupenjit, learned counsel on record for returned candidate are before this Court (physical Court).

Mr. H.S. Paonam, learned senior counsel submits that he is feeling under the weather and made a request to have the matters listed on Monday i.e., 18.05.2026. Considering the nature of the request, Mr. A. Mohendro, learned counsel for returned candidate did not oppose.

This Court, also taking into account the fact that learned senior advocate himself is present in Court but expresses difficulty in arguing the matters owing to feeling under the weather, deems it appropriate to re-notify the matters to Monday i.e., 18.05.2026.

List under the same cause-list caption i.e., HEARING PART HEARD on Monday.

List on 18.05.2026.'

'18.05.2026

Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 15.05.2026 which reads as follows:

> ***'15.05.2026***
>
> *Mr. H. S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. A. Mohendro, along with Mr. Kh. Lupenjit, learned counsel on record for returned candidate are before this Court (physical Court).*
>
> *Mr. H.S. Paonam, learned senior counsel submits that he is feeling under the weather and made a request to have the matters listed on Monday i.e., 18.05.2026. Considering the nature of the request, Mr. A. Mohendro, learned counsel for returned candidate did not oppose.*

This Court, also taking into account the fact that learned senior advocate himself is present in Court but expresses difficulty in arguing the matters owing to feeling under the weather, deems it appropriate to re-notify the matters to Monday i.e., 18.05.2026.

List under the same cause-list caption i.e., HEARING PART HEARD on Monday.

List on 18.05.2026.'

2. Today Mr. H.S. Paonam, learned senior advocate instructed by Mr. BR. Sharma, learned counsel on record for election petitioner and Mr. A. Mohendro, along with Mr. Kh. Lupenjit, learned counsel on record for returned candidate are before this Court.

3. After making submissions for some time (about one hour) Mr. H.S. Paonam, learned senior counsel for election petitioner requested for listing on another date for continuation citing difficulty at his end though the Court was inclined and willing to sit through and hear out the matter.

4. In the light of difficulty expressed by learned senior counsel in continuing and concluding today, let this matter stand over to day after tomorrow i.e., 20.05.2026.

6. List under the same cause-list caption i.e., HEARING PART HEARD on 20.05.2026.'

'20.05.2026

Mr. H.S. Paonam, learned Senior Advocate instructed by Mr. B.R. Sharma, learned counsel on record for election petitioner and Mr. A. Mohendro, learned counsel on record for returned candidate are before this Court.

Mr. A. Mohendro, learned counsel on record for returned candidate though before this Court (physical Court) and though this Court is inclined to take up and hear the matter, requests for a short accommodation by 1(one) day citing difficulty at his end.

Mr. H.S. Paonam, learned senior counsel and instructing counsel Mr. B.R. Sharma do not oppose afore-referred request as accommodation is sought citing counsel difficulty. Let this matter stand over to tomorrow.

List under the same cause-list caption i.e., 'HEARING PART HEARD' tomorrow.

List on 21.05.2026.'

'21.05.2026

1. Read this in conjunction with and in continuation of earlier proceedings made in previous listing yesterday (20.05.2026).

2. In the hearing today, Mr. H. S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for

election petitioner and Mr. A. Mohendro along with Ms. Y. Monika, learned counsel on record for returned candidate are before this Court.

3. After making submissions for some time, learned senior counsel for election petitioner submitted that it would be desirable to continue and conclude by listing the matter next week though this Court was inclined to sit through and hear out the learned senior counsel for election petitioner. To be noted, learned senior counsel expresses voice strain as difficulty at his end in continuing.

4. In the light of the narrative thus far, list under the same cause-list caption i.e., HEARING PART HEARD.

5. List on 28.05.2025.'

'02.06.2026

Matter mentioned when the Single sitting commenced

Mr. S. Gunabanta, learned counsel on record for election petitioner and Mr. David Boon, learned counsel on record for returned candidate are before this Court.

Mr. S. Gunabanta, learned counsel for election petitioner, requests for an adjournment citing personal inconvenience for senior counsel Mr. H.S. Paonam who is leading him. This request is acceded to.

List tomorrow under the same cause-list caption i.e., 'HEARING PART HEARD'.

List on 03.06.2026.'

'03.06.2026

Read this in conjunction with and in continuation of earlier proceedings made in previous listing.

In the hearing today, Mr. H.S. Paonam, learned senior advocate instructed by Mr. M. Chinglemba, learned counsel on record for election petitioner continued and concluded his submissions. Though it was beyond Court hours, this Court was inclined to continue the hearing but Mr. A. Mohendro, learned counsel on record for returned candidate requested for listing next week. To be noted, this Court is inclined to take up the matter tomorrow as that would be day to day hearing but Mr. A. Mohendro, learned counsel for returned candidate expressed difficulty/inconvenience in arguing tomorrow and requested for listing next week.

Both sides agreed that the matter can continue on 11.06.2026.

List under the same cause-list caption i.e., HEARING PART HEARD.

List on 11.06.2026.'

'11.06.2026

[1] Read this in conjunction with and in continuation of earlier proceedings made in the previous listings.

[2] In the hearing today, Mr. BR Sharma, along with Ms. Langei Laishram, learned counsel on record for election petitioner and Mr. A. Mohendro, along with Mr. David Boon and Mr. Kh. Lupenjit, learned counsel on record for returned candiate are before this Court (physical Court).

[3] Mr. A. Mohendro, learned counsel on record for returned candidate commenced his submissions and after arguing for some time requested for listing the captioned matter on 17.06.2026.

[4] To be noted, this Court was ready to hear out the rest of the matter and alternatively Court was also ready to list the matter tomorrow but Mr. A. Mohendro, learned counsel for returned candidate expressed his inability to continue today or have the matter listed tomorrow citing physical discomfort for him. In this scenario, this Court has no option other than writing that the captioned matter will now stand over to 17.06.2026.

[5] List under the same cause list caption i.e., 'HEARING PART HEARD' on 17.06.2026.'

'17.06.2026

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings.

Today, in the hearing, Mr. BR Sharma, learned counsel along with Ms. Langei Laishram, learned counsel on record for election petitioner and Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, learned counsel on record for returned candidate are before this Court (physical Court).

Mr. A. Mohendro, learned counsel for returned candidate continued his submissions. Though this Court was inclined and ready to hear out the matter today, learned counsel for returned candidate expressed difficulty in continuing the matter today. Though this Court was inclined to list this matter tomorrow, learned counsel made a request for listing day after tomorrow citing personal difficulty at his end. As the request is predicated on counsel difficulty, this Court has no option other writing that the captioned matter will now stand over to 19.06.2026.

List under the same cause-list caption i.e., 'HEARING PART HEARD' on 19.06.2026.'

'19.06.2026

Read this in conjunction with and in continuation of proceedings made in earlier listings.

In the hearing today, Mr. H.S. Paonam, learned senior advocate instructed by Mr. BR. Sharma, learned counsel on record for election petitioner, Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, and Mr. David Boon, learned counsel on record for returned candidate were before this Court.

Mr. A. Mohendro, learned counsel for returned candidate continued and concluded his submissions. Thereafter, Mr. H.S. Paonam, learned senior counsel for election petitioner made reply submissions. Curtains qua oral submissions.

Both sides submitted that they will submit a short synopsis of arguments in advance (short synopsis not exceeding 5 pages) and sought time to do the same.

Both sides requested for listing on 23.06.2026 and submitted that afore-referred synopsis of submissions will be filed on Tuesday i.e., 23.06.2026.

List on 23.06.2026.'

'23.06.2026

[1] *Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.06.2026 which reads as follows:*

> ***'19.06.2026***
>
> *Read this in conjunction with and in continuation of proceedings made in earlier listings.*
>
> *In the hearing today, Mr. H.S. Paonam, learned senior advocate instructed by Mr. BR. Sharma, learned counsel on record for election petitioner, Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, and Mr. David Boon, learned counsel on record for returned candidate were before this Court.*
>
> *Mr. A. Mohendro, learned counsel for returned candidate continued and concluded his submissions. Thereafter, Mr. H.S. Paonam, learned senior counsel for election petitioner made reply submissions. Curtains qua oral submissions.*
>
> *Both sides submitted that they will submit a short synopsis of arguments in advanced (short synopsis not exceeding 5 pages) and sought time to do the same.*
>
> *Both sides requested for listing on 23.06.2026 and submitted that afore-referred synopsis of submissions will be filed on Tuesday i.e., 23.06.2026.*
>
> *List on 23.06.2026.'*

[2] *In the hearing today Mr. B.R. Sharma along with Mr. S. Gunabanta (both learned counsel on record) for the election petitioner and Mr. Kh. Lupenjit, learned counsel on record for the returned candidate are before this Court.*

> ***[3]*** *Adverting to earlier proceedings, more particularly, the last paragraph in the first page, afore-referred learned counsel on both sides placed before this Court short synopsis of arguments advanced both dated 23.06.2026 and both running to 5(five) pages.*
>
> ***[4]*** *To be noted, a minor typographical error has crept in qua the last paragraph of the first page of the earlier proceedings dated 19.06.2026. The word 'advanced' has been erroneously typed as 'advance', with the consent of afore-referred learned counsel on both sides, this is now corrected and this order when uploaded will serve as an errata/corrigendum.*
>
> ***[5]*** *Reverting to the captioned main matter, hearing concluded. Captioned the matter will now stand over for consideration and verdict.*
>
> ***[6]*** *Orders/Judgment reserved.'*

[37] This Court, having set out its discussion and dispositive reasoning as regards issue Nos. 1 & 2, has no hesitation in writing that it follows as a sequitur that there was no infirmity in RO accepting the nomination form of returned candidate as there was neither substantial nondisclosure (no nondisclosure at all) nor substantial mis-disclosure of educational qualification, much less non-disclosure/mis-disclosure materially affecting the election.

[38] In the light of the discussion and dispositive reasoning set out thus far, issue Nos. 1, 2 & 3 stand answered in favour of returned candidate and issue Nos. 4 & 5 obviously stand answered to the effect that election petitioner is not entitled to the relief of dislodging/unseating the returned candidate.

[39] It is axiomatic that the recrimination petition can be closed as election petitioner has chosen to argue the main election petition without insisting on letting in evidence as the question of recrimination petition and letting in evidence in the same would arise only if the returned candidate is dislodged/unseated. In any event, learned counsel for returned candidate has

agreed to such a course subject only to preservation of rights if the need arises. Therefore, EL. RECR. PET No. 5 of 2022 is given a closure.

G. Result/conclusion:

[40] Ergo, the sum sequitur of narration, discussion and dispositive reasoning set out *supra* is, captioned election petition fails and the same is dismissed. As a corollary, in the light of the stated position of learned counsel for returned candidate on the basis of which captioned election petition was heard out, captioned election recrimination petition is disposed of as closed, the same having become otiose. There shall be no order as to costs.

CHIEF JUSTICE

FR/NFR

Bipin/Indrajeet

LAIRENMAYUM INDRAJEET SINGH

Digitally signed by LAIRENMAYUM INDRAJEET SINGH
Date: 2026.07.14 14:45:26 +05'30'