



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr.No.114

**CWP-20057-2026
Decided on : 09.07.2026**

Akhil Bharatiya Shivsena Rashtravadi

..... Petitioner

Versus

Election Commission of India and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present : Mr. Anil Bansal, Advocate
for the petitioner.

Mr. T.S.Naidu, Senior Advocate (Through VC)
with Mr. Parteek Gupta, Advocate
Mr. Parteek Kumar, Advocate and
Mr. Kumar Utsav, Advocate
for the respondents.

DEEPAK SIBAL, J (ORAL)

1. Through the instant petition, the petitioner seeks quashing of order dated 19.09.2025, whereby the petitioner has been ordered to be delisted from the register of unrecognized political parties by the Election Commission of India (for short 'ECI'). Challenge has also been made to the order dated 05.06.2026, through which the petitioner's appeal, filed against the aforesaid order dated 19.09.2025 has been dismissed.

2. After hearing learned counsel for the parties and perusing the record, the following undisputed facts have emerged:-



(a) In October 2025, the petitioner had filed before this Court, CWP No.30956 of 2025 - *Akhil Bharatiya Shivsena Rashtravadi versus Election Commission of India and others*, seeking therein to challenge order dated 19.09.2025, passed by the ECI, delisting the petitioner from the register of unrecognized political parties. Vires of the ECI guidelines dated 02.12.2019, on the basis whereof the aforesaid order dated 19.09.2025 had been passed, were also challenged;

(b) CWP No.30956 of 2025 – Akhil Bharatiya Shivsena Rashtravadi versus Election Commission of India & Ors., was listed before a Division Bench of this Court but after hearing learned counsel for the petitioner, the Bench was not inclined to entertain the matter for want of territorial jurisdiction as the impugned order dated 19.09.2025 had been passed in Delhi. Therefore, learned counsel appearing for the petitioner did not press the said petition and sought its disposal with liberty to avail remedy before the appropriate forum which was permitted. The order, passed by the Division Bench on 16.10.2025, disposing of CWP No.30956 of 2025, Akhil Bharatiya Shivsena Rashtravadi versus Election Commission of India & Ors., reads as follows:-

“1. After arguing for some time and faced with the situation that the impugned order dated 19.09.2025 (Annexure P-3) has been passed in Delhi, and as there is nothing on record to show that any cause of action has arisen within the territorial jurisdiction of Punjab, Haryana and U.T., Chandigarh, learned counsel for the petitioner prays that the present petition may kindly be disposed of as having been not pressed any further, with liberty to avail the remedy before the appropriate forum.

2. Ordered accordingly.

3. Pending miscellaneous application(s), if any, shall also stand disposed of.”



(c) The petitioner challenged the order dated 16.10.2025 before the Supreme Court through SLP (C) No.31493 of 2025 - Akhil Bharatiya Shivsena Rashtravadi versus Election Commission of India & Ors. which petition was held to be not maintainable by the Supreme Court but when the Supreme Court expressed such satisfaction, learned counsel appearing for the petitioner sought to withdraw the said Special Leave Petition to approach this Court for modification of the order dated 16.10.2025. Accordingly, the Special Leave Petition was disposed of by the Supreme Court on 03.11.2025 through the following order:-

“1. Since the High Court has dismissed the writ petition “as having been not pressed any further” with a further liberty to avail remedy before an appropriate forum, we are satisfied that the Special Leave Petition is not maintainable against the above-stated order.

2. Faced with this, learned counsel for the petitioner seeks and is permitted to withdraw this Special Leave Petition as he wants to approach the High Court for modification of the impugned order dated 16.10.2025.

3. The Special Leave Petition is disposed of accordingly.

4. All pending applications, if any, also stand disposed of.”

(d) The petitioner did not approach this Court for modification of the order of the Division Bench of this Court dated 16.10.2025, passed in CWP No.30956 of 2025 but in February, 2026, chose to again knock the doors of the Supreme Court through a petition filed under Article 32 of the Indian Constitution, through which petition, challenge was made to the aforesaid order of the ECI dated 19.09.2025 as also to the vires of the guidelines of the ECI dated 21.12.2019 which formed the basis of passing of the aforesaid order dated 19.09.2025. On



10.02.2026, such petition was dismissed through the following order:-

“1. Delay condoned.

2. No sooner did we show an inclination to dismiss this writ petition on merits, learned counsel for the petitioner seeks and is permitted to withdraw the writ petition.

3. The Writ Petition stands dismissed as withdrawn.”

(e) In April, 2026, the petitioner again approached this Court through CWP No.11512 of 2026 and this time with the prayer to issue directions to expeditiously decide the petitioner’s appeal filed against the order dated 19.09.2025. In such petition, filing and disposal of the petition by the petitioner under Article 32 of the Indian Constitution was not disclosed;

(f) On 18.04.2026, a Division Bench of this Court disposed of CWP No.11512 of 2026 by issuing directions to the ECI to decide the appeal filed by the petitioner to challenge order dated 19.09.2025 and that

(g) The petitioner’s appeal, filed by it, to challenge the order dated 19.09.2025 was dismissed through order dated 05.06.2026 and on the happening of such event, the petitioner has filed the present petition to challenge therein the order of the ECI dated 19.09.2025 and the order of the Appellate Authority dated 05.06.2026 but in the present petition, the petitioner has again not disclosed the factum of filing and dismissal of the petition filed by the petitioner before the Supreme Court under Article 32 of the Indian Constitution.

3. The afore facts clearly reveal that in CWP No.11512 of 2026 and the instant petition, the petitioner has withheld that the petitioner had, in February 2026, filed before the Supreme Court a petition under Article 32 of the Indian Constitution seeking therein to challenge order of the ECI dated 19.09.2025 and for declaring guidelines of the ECI dated 02.12.2019, to be



ultra vires the Constitution of India, which petition was dismissed on 10.02.2026, through passing of the following order:-

“1. Delay condoned.

2. No sooner did we show an inclination to dismiss this writ petition on merits, learned counsel for the petitioner seeks and is permitted to withdraw the writ petition.

3. The Writ Petition stands dismissed as withdrawn.”

4. Thus, with regard to the primary challenge made through this petition, the petitioner had already knocked the doors of the Supreme Court but having not secured the desired relief, made another attempt to procure a favourable order on the same issue from this Court but without disclosing the factum of either the filing or disposal of the petition earlier filed before the Supreme Court. Rather, in paragraph No.10 of this petition, the petitioner has made a false statement that the petitioner has not preferred any such or similar petition either before this Court or before the Supreme Court on the same cause of action.

5. Even in CWP No.11512 of 2026, filed by the petitioner before this Court in April, 2026, no disclosure was made with regard to the filing and disposal of the petition filed by the petitioner in February, 2026 before the Supreme Court under Article 32 of the Constitution of India.

6. Thus, the petitioner has repeatedly attempted to mislead this Court to procure a favourable order and therefore, we unhesitantly hold that the petitioner has dis-entitled itself to be even heard on merits and accordingly, we dismiss this petition.

7. Even otherwise, in the light of the order of the Coordinate Bench dated 16.10.2025, which has attained finality, this petition is liable to

be rejected for want of territorial jurisdiction.



8. In the above facts, we also issue notice to the petitioner as to why the petitioner be not proceeded under Section 14 of the Contempt of Courts Act, 1971.
9. Mr. Bansal accepts the contempt notice on behalf of the petitioner and prays for time to file an affidavit which we grant.
10. The contempt matter be listed on 03.08.2026, as per roster.

(DEEPAK SIBAL)
JUDGE

(RUPINDERJIT CHAHAL)
JUDGE

09.07.2026
mamta

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No