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**\*IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1218/2010 & CM Nos.23514, 38807-38808/2017

BALWANT SINGH KHERA

..... Petitioner

Through : Ms. Indira Unninayar,  
Mr. Narayan Krishan and  
Mr. Bibin Kurian, Advs.

versus

ELECTION COMMISSION OF INDIA & ORS..... Respondents

Through : Mr. Y.R. Sharma, Adv. for  
R-1  
Mr. Sharan Thakur,  
Mr. Pavit Mittewal,  
Mr. Vijay Kumar,  
Ms. Natasha Thakur and  
Mr. Parashuram, Advs. for  
R-2  
Mr. Karan Bharihoke and  
Ms. Pawas Agarwal, Advs.  
for R-3  
Mr. Satinder S. Gulati and  
Ms. Kamaldeep Gulati,  
Advs. for R-4/SGPC  
Ms. Gayatri Aryan, Adv. for  
R-6/DSGMC  
Mr. Sanjoy Ghose , ASC-  
GNCTD with Ms. Urvi  
Mohan, Adv. for R-7

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

**02.11.2017**

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1. In view of the order of this court passed on 30<sup>th</sup> October, 2017, it is submitted by Ms. Indira Unninayar, learned counsel for the petitioner that the petitioner has been advised to seek leave of this court to withdraw the writ petition and CM No. 23541/2017 with leave to file a fresh and consolidated writ petition.
2. It is further submitted by Ms. Unninayar that the fresh writ petition may not be rejected on account of the objections with regard to delay, which has been pressed by the respondents.
3. So far as the question of delay prior to the filing of the writ petition as well as before filing of CM No.23541/2017 is concerned, given the objections taken by the respondents before us, the court seized of the fresh writ petition would be required to examine the respondents' objections premised on delay and laches on the part of the petitioner.
4. However, so far as the period during which the matter has remained pending before this court, the petitioner may be entitled to seek waiver thereof by invoking the principles of Section 14 of the Limitation Act in accordance with law in the writ petition which is filed. It is so directed.
5. In view of the above, the writ petition and all pending applications are dismissed as withdrawn with liberty as prayed for.

6. We make it clear that we have not expressed any opinion on the merits of the rival contentions.

*Dasti* to parties.

**ACTING CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**NOVEMBER 02, 2017/kr**