

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

**APPLICATION (ST) NO.29618 OF 2019
IN
ELECTION PETITION NO.7 OF 2019**

THE RETURNING OFFICER-1 & ANR
VERSUS
SHANKAR SHEMTYA VASAVE & ORS

...

Mr. Alok Sharma, Adv. For Applicants;
Mr. D.S. Bagul, Adv. For Resp.No.1;

**CORAM : PR. BORA, J.
DATED : 19th SEPTEMBER, 2019.**

PER COURT:-

1. Learned counsel Shri Alok Sharma, appearing for the Returning Officer and the Election Commission of India, i.e. Respondent Nos.2 and 3 in the present election petition, has tendered across the Bar the present application. The copy of the said application is served upon the learned counsel appearing for the petitioner.

2. By filing the present application, the applicants have prayed for allowing the Election Commission of India and the Returning Officer to remove the EVMs (Electronic Voting Machines), which have been used in the Loksabha election held, which is challenged in the present petition, from the strong room and use the said EVMs in the coming Assembly elections.

3. Learned Counsel Shri D.S. Bagul appearing for the petitioner, on instructions, submitted that the petitioner does not have any objection for allowing the application.

4. Though the other respondents are not present before the court, neither their counsel are present since they are not yet served, it does not appear to me that any say from their side may be required for considering the request made in the present application.

5. Considering the nature of the request made in the application, the objection could have been only from the side of the petitioner, who has filed the present petition. As I noted herein above, the said petitioner has conceded for allowing the request.

6. In view of the above, following order is passed, -

ORDER

(i) The application is allowed in terms of prayer clause (B).

(P.R. BORA)
JUDGE