

D/L. 2.
June 19, 2023.
MNS.

(TO BE MENTIONED)

WPA No. 12769 of 2023

Sumantra Guha
Vs.
The Union of India and others

Mr. Surajit Samanta,
Mr. Biswajit Samanta

... for the petitioner.

Mr. Rudraman Bhattacharyya,
Mr. Sourojit Dasgupta,
Mr. Akash Munshi,
Mr. Souvik Mazumder

...for the respondent nos. 2 and 3.

Affidavit-of-service filed in court today be
kept on record.

Learned counsel for the petitioner submits
that the writ petition has become infructuous in
the meantime. The petitioner has challenged the
counting of votes in connection with an election to
the Institute of Chartered Accountants of India. In
the meantime, it is submitted, and the counting
has been completed.

Learned counsel appearing for the
respondent nos. 2 and 3 also submits in unison
on that score that the results have also been
declared.

A document in that regard, handed over by learned counsel for the petitioner in Court, be kept on record.

Learned counsel for the petitioner submits that in view of the nature of the challenge, which could not be canvassed on merits in view of the writ petition having been rendered infructuous, the ballot boxes may be preserved for some time so that the petitioner can challenge the declaration of results.

Learned counsel appearing for respondents nos. 2 and 3 refutes such contention and submits that there is no cause of action at present to make such a prayer.

Although the respondents are justified in submitting that no cause of action subsists at present to make any further interim prayer, in view of the nature of the present disposal on the ground of the relief having been rendered infructuous and since the petitioner specifically seeks to challenge the result of the election, the respondent authorities shall preserve the ballot boxes intact along with other connected papers for three weeks from date to enable the petitioner to challenge the results of the election before the appropriate forum.

It is made clear that it will be open to the petitioner to make a similar interim prayer before the appropriate court/forum if such a challenge is preferred within a period of three weeks.

However, it is made clear that the above preservation order is being passed without entering into the merits of the matter, and the same will not prejudice in any manner the rights and contentions of the parties with regard to the election before any forum whatsoever.

Accordingly, WPA 12769 of 2023 is disposed of as infructuous.

There will be no order as to costs.

Urgent photostat-certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)