

ORDER SHEET

EP/9/2021
IA NO: GA/5/2024

IN THE HIGH COURT AT CALCUTTA
Election Petition Jurisdiction
ORIGINAL SIDE

KALYAN CHAUBEY
VS
SADHAN PANDE AND ORS.

BEFORE:
The Hon'ble JUSTICE JAY SENGUPTA
Date : 9th May, 2024.

Appearance:

Mr. Nilanjan Bhattacharjee, Adv. (VC)
Ms. Kanchan Jaju, Adv.
Ms. Shayana Singhal, Adv.
Mr. Sudarshan Kr. Agarwal, Adv.
...for the petitioner

Mr. Biswaroop Bhattacharjee, Adv.
Mr. Sarbajit Mukherjee, Adv.
Ms. Shrivalli Kajaria, Adv.
...for respondent no.3

Mr. Anirban Ray, Ld. GP
Mr. Piyush Agarwal, Adv.
...for respondent no.8

Mr. Anuran Samanta, Adv.
...for E.C.I.

The Court: The petitioner is present in Court. He has filed an application for withdrawal of the election petition.

Learned counsel for the respondent no.8 files copies of orders dated 20.04.2024 and 06.05.2024 passed by the Hon'ble Supreme Court.

The relevant portion of the order dated 06.05.2024 passed by the Hon'ble Apex Court in Civil Appeal No. 5451 of 2023 may be quoted as under:-

“4. We see no impediment for the High Court not to accept the application and consequently dismiss the Election Petition.

5. We, therefore, request the High Court to pass an appropriate order, in all circumstances, on 09.05.2024”.

Thereafter, the matter was posted for hearing on 13.05.2024.

In view of the above and considering the exigency, the application for withdrawal is taken up for final hearing without formal publishing of a notice in the official gazette in terms of Section 109(2) of the Representation of People Act, 1951

Learned counsel for the petitioner submits that the petitioner does not want to proceed with the Election Petition. Among other things, due to his pre-occupation with the present professional engagements, he is unable to continue with the matter.

Learned counsels appearing for the respondent nos. 3 and 8 do not oppose such prayer although they deny the allegations made by the petitioner in the letter dated April 27, 2024 filed before this Court earlier. They pray for the petitioner's security deposit to be forfeited as costs.

In view of the inability of the petitioner to proceed with the Election Petition, leave is granted to the petitioner to withdraw the Election Petition.

Accordingly, the Election Petition is dismissed as withdrawn and the connected application being GA/5/2024 stands disposed of.

In view of withdrawal of the election petition after a considerable length of time for which the matter has been contested, let the security deposit made by the election petitioner be paid as costs equally to the contesting respondents in terms of Section 110(3)(a) of the Representation of the People Act.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(JAY SENGUPTA, J.)

kc/R.Bhar