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

+ **W.P.(C) 4782/2024**

BHARAT ADIVASI PARTY

..... Petitioner

Through: Mr. Nitin Meshram and Mr. Rishi Raj
Singh, Advs.

versus

ELECTION COMMISSION OF INDIA

..... Respondent

Through: Ms. Suruchi Suri, SC for ECI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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03.04.2024

CM APPL.19542/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4782/2024

1. The present petition has been filed by the petitioner seeking the following directions:

“Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent to allot a common symbol which is preferable ‘Hockey and Ball’ which is also a free symbol available in all states except Orissa and is sought by the Petitioner in accordance with Paragraph 10B of the Election Symbols Reservation and Allotment Order, 1968.”

2. Learned counsel for the respondent, who appears on advance notice submits that the petitioner’s request for common symbol has been duly considered and rejected *vide* communication/ order dated 21.03.2024, duly



intimated to the petitioner. The same has been handed over during the course of hearing, and reads as under:

“No.56/Symbol/2024/PPS-II/Vol.-XV/

Dated 21st March, 2024

To

The President/General Secretary,

Bharat Adivasi Party,

Plot No. 27A, Gamadi House (Commerce) Complex,

Shastri Colony, Dungarpur,

Rajasthan-314029

Subject: Allotment of common symbol –regarding.

Sir/Madam,

I am directed to refer to your application dated 20.02.24 received in the Commission on 20.02.24, requesting for allotment of common symbol to the candidates of your party for the upcoming General Election(s) under Para 10B of Election Symbols (Reservations & Allotment) Order, 1968. In this regard, it is to inform that your application has not been considered for common symbol allotment for the upcoming general election(s) due to the following reason(s):-

a) The party has not submitted either Annual Audited Accounts for the last three years or/and Contribution Reports for last three years or/and Election Expenditure Statement(s) for the last two elections the party contested (if any) in the office of the Chief Electoral Officer concerned.

2. In this regard, it is advised to refer ‘Conditions for Allotment’, ‘Proforma for Application’ and ‘Date on or after which’ which are available at the Commission’s website with path-<https://www.eci.gov.in/election-symbol>.

Yours faithfully,

-sd-

*(Jasmeet Kaur)
Under Secretary”*

3. In view of the aforesaid, learned counsel for the petitioner does not



wish to press the present petition at this stage and submits that the petitioner shall make a representation to the respondent seeking a review of the decision contained therein.

4. The present petition is accordingly, dismissed as withdrawn, with liberty as prayed for. Any representation that may be made by the petitioner shall be considered by the respondent in accordance with law and as expeditiously as possible.

SACHIN DATTA, J

APRIL 3, 2024/cl