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

+ **W.P.(C) 4865/2024 &CM APPL. 19887/2024**

SEVA JANSHAKATI PARTY Petitioner
Through: **Mr. Savran Kumar, Adv.**

versus

ELECTION COMMISSION OF INDIA AND ANR. Respondents
Through: **Mr. Siddhant Kumar and Mr. Om
Batra, Advs. for R1.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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03.04.2024

1. The present petition has been filed by the petitioner seeking that the petitioner political party be registered by the respondent/ECI.
2. It is submitted that although the application seeking registration was submitted by the petitioner on 27.02.2023, repetitive objections are being raised by the respondent. Consequently, the petitioner political party has not yet been registered.
3. It is submitted that the delay on the part of the respondent/ECI has caused great prejudice to the petitioner in the light of the fact that the last date for filing of nomination for the forthcoming parliamentary election is 04.04.2024.
4. Learned counsel for the respondent who appears on advance notice refutes the aforesaid contentions of the petitioner. He submits that the objections have been validly raised from time to time, which have not been removed and shortcomings continue to persist in the petitioner's application.



He draws attention to the latest communication of the Respondent dated 26.03.2024, wherein it has been stated as under:-

*“Sh. Manohar Babarao Dhonde,
C/o “Seva Janshakti Party,
Row House No. C-5, CTS No. 15735/7/5,
Khinvasara Fort, Khinvasara Park(E),
Near Petrol Pump, Ulkanagari, Garkheda Area,
Aurangabad- 431005.
Maharashtra.*

*Subject: Application for registration of “Seva Janshakti Party”
as a political party under Section 29A of the Representation of the
People Act, 1951- Regarding.*

Sir,

*I am directed to refer to your letter dated 01.03.2024 and to
state that you are required to furnish the following
documents/particulars:*

- a) Original newspaper (02) in original having the said public
notice except The Free Press Journal. The Navshakti and The
Navbharat. (Earlier, you had only furnished clippings without original
newspaper.)*
- b) Checklist item no. 13(ii)(e)- Declaration that the party must
contest an election conducted by the Election Commission within five
years of its registration and thereafter also continue to contest and if
the party does not contest elections continuously for six years the
party will be taken off the list of registered parties to be included in
constitution. (Earlier, you had omitted the underline content.)*
- c) Checklist item no. 20- Party’s constitution does not mention that
the functioning of the party is democratic and the decision making
process is by way of majority views of the representative bodies of
appropriate level. (In the party constitution, it has been mentioned
that decision making process is not by way of majority views of
representative bodies of appropriate level. Hence, it is not
acceptable.)*
- d) Checklist list no. 28- Affidavit in original regarding assets &
liability duly notarized on affidavit form on non-judicial stamp paper
of minimum 2/- Rs. Denomination duly filled in with all columns in
respect of all office bearers, except Co-Treasurer & Shri Shiv Kumar
Hanmanthappa Birajdar, Rangnath Govind Chavan (member), is
required to be furnished.*



e) Checklist no.29/30- ITR for three years OR Income Certificate issued by an appropriate competent authority in respect of Shri Rangnath Govind Chavan, Ram Babruwan Khandade (Vice President), Shivraj Babarao Kamble (member), is required to be furnished.

2. You are therefore, advised to furnish an amended party constitution, with approved name, incorporating with checklist item nos. 13(ii)(e) and 20 along with all the mandatory provisions as per the Commission's guidelines available at its website www.eci.gov.in."

5. After some hearing, learned counsel for the petitioner submits that without prejudice to his contentions that the alleged objections/shortcomings have been removed, the petitioner shall respond to the aforesaid communication dated 26.03.2024 latest within a period of one week from today.

6. Learned counsel for the respondent submits that subject to the aforesaid being done, the requisite decision shall be taken by the respondent as expeditiously as possible.

7. With the above directions, the present petition stands disposed of.

SACHIN DATTA, J

APRIL 3, 2024/at