

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

ELECTION PETITION NO. 39 OF 2025

Rahul S/o. Tanaji Kalate

.. Petitioner

Versus

Shankar S/o. Pandurang Jagtap and Ors.

.. Respondents

**WITH
APPLICATION (L) NO. 22753 OF 2025
IN
ELECTION PETITION NO. 39 OF 2025**

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- Mr. Asim Sarode, Advocate appearing through Video Conferencing for Petitioner.
 - Mr. Manish Kelkar a/w. Mr. Pratik Irpatgire and Ms. Gauri Phadke, Advocates for Respondent No.1 in Election Petition.
 - Ms. Naira Jejeebhoy a/w. Mr. Arun Panicker and Mr. Vinay Nair Advocate for Respondent Nos.2 to 4 in Election Petition.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 08, 2025.

P.C.:

1. Heard Mr. Sarode, learned Advocate for Petitioner; Mr. Kelkar, learned Advocate for Respondent No.1 in Election Petition and Ms. Jejeebhoy, learned Advocate for Respondent Nos.2 to 4 in Election Petition.

2. Ms. Jejeebhoy, learned Advocate appears for the Election Commission of India and its functionaries / Officers. They have filed Application (L) No.22753 of 2025 seeking various reliefs. On the previous date, this Court had recorded the submissions of Mr. Sarode

and confined the said Application only with respect to prayer clauses 'c' and 'd'. On prayer clauses 'c' and 'd', Affidavit-in-Reply has been filed by Mr. Sarode which has been considered by the Election Commission of India. Ms. Jejeebhoy today in response to the said Affidavit-in-Reply places before the Court order dated 23.10.2024 passed in Application (L)No.31209 of 2024 which was passed in similar circumstances and in similarly placed Application. The suggestion made by Ms. Jejeebhoy is that the Election Commission of India namely through the District Election Officer shall record the printed format of the EVM's consisting of Ballot Units 1128 and Control Units 564 and shall keep the same available for production before the Court in the Election Petition as and when required. Such an arrangement *prima facie* suits the purpose of both sides. To this, Mr. Sarode has immediately raised an objection stating that the said printed format from the subject EVM's Ballot Units and Control Units shall have to be taken in front of independent witnesses in order to maintain absolute transparency This suggestion is also valid.

3. The Election Commission shall consider this submission of Mr. Sarode and accordingly inform the Court on the next adjourned date so that appropriate orders can be passed in the present Application.

4. In the meanwhile, it shall be open to the Election Commission of India to file its Affidavit-in-Rejoinder and place on record the arrangement if proposes as described above. Affidavit-in-Rejoinder shall be filed before the next date.

5. List the Application for passing orders on **22nd September 2025.**

[MILIND N. JADHAV, J.]

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