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

+ **W.P.(C) 3125/2025 & CM APPL. 14796-98/2025**

JAIBIR SINGH NAGAR

.....Petitioner

Through: Mr. Akash Nagar, Mr. Jaibir Singh Nagar, Mr. Samrpit Chauhan, Ms. Ruchi Nagar, Ms. Kanishka Chandnani, Mr. Suresh Chand Nagar, Mr. Ankit Bhati, Mr. Hatan Singh, Mr. Navneet Chaudhary, Mr. Jugnu Bhati and Mr. Rakesh Joshi, Advocates,

versus

CENTRAL DELHI COURT BAR

ASSOCIATION AND ORS.

.....Respondents

Through: Mr Aporv Kurup, Sr Advocate with Mr Piyush Beriwal, Mr Kushagra K Kansal, Mr Yash Tyagi, Mr Vedansh Anand, Mr Rohit Sharma, Mr Ankit Raj, Mr Ankit Shivaj, Mr Devvrat Yadav, Mr Shivam Kumar, Mr Aakash, Ms Neha Rustogi, Ms Disha Choudhary, Mr Sandip Munian, Ms Jyotsna Vyas, Mr Satya Ranjan Swain, Mr Kautilya Birat, Mr Rudra Paliwal, Mr Sanjay Pal, Mr Ankush Kapoor, Mr Soumyadip Chakaraborty, Mr Sachin Saraswat, Mr Yashvardhan Singh, Mr Sumit Sahni, Ms Archana Sharma, Ms Swati Puri and Mr Soumendu Mukherjee, Advocates.

Mr Mohinder J S Rupal, Mr Hardik Rupal and Ms Aishwarya Malhotra, Advocates for Delhi University.

Mr T. Singhdev, Mr Tanishq Srivastava, Mr Abhijit Chakraverty, Ms Anum Hussain, Mr Sourabh



Kumar, Ms Yamini Singh, and Mr Bhanu Gulati, Advocates for R6/BCD.

Mr Kirtiman Singh, Sr Advocate with Mr Rishabh Sahu and Mr T P Singh, Advocates for R7.

Mr Pawan Narang, Sr Advocate with Mr Himanshu Sethi and Mr Sidarth Khatana, Advocates for Returning Officer.

Mr. Ankit Agarwal, SC with Ms. Viyushti Rawat, Advocates for ECI.

Mr Amit Sharma, and Mr Dipesh Sinha, Advocates for R10/State Election Commission.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

12.03.2025

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1. The petitioner is one of the candidates who is standing for elections to the Central Delhi Court Bar Association [CDCBA] has filed the present petition, *inter alia*, praying that the voting must be recorded through Electronic Voting Machines [EVMs]. The petitioner also prays that directions be issued to respondent nos.1, 2, 3, 8 & 9 to procure the requisite number of EVMs through other sources for conducting the elections of the office bearers, CDCBA.
2. In addition, the petitioner also prays that orders be issued directing respondent no.7 not to function as the acting chairman of the *ad hoc* committee, which is constituted by this court in terms of the order dated 08.04.2024 passed in W.P.(C) 3713/2019 captioned *Rouse Avenue Bar Association v. The Bar Council of Delhi & Another*.



3. Insofar as the prayer that the voting be conducted and recorded through EVMs is concerned, this court is not persuaded to accede to the said prayer. The respondents have handed over an order passed by the Full Bench of this court which clearly records that the Delhi University has 300 operational EVMs; out of which 250 have been made available to CDCBA. Thus, the Delhi University has only 50 remaining operational EVMs. The learned counsel appearing for the Delhi University states that while the Delhi University has 50 remaining EVMs, it does not have the staff to operate the same.

4. In the given circumstances, this court does not consider it apposite to issue any directions to handover the remaining EVMs or to arrange the staff operating the same. However, it will be open for the parties to persuade the Delhi University to part with the requisite number of machines and staff for conducting the polling.

5. It is the respondents' stand that given the paucity of time, it would not be feasible to conduct polling through EVMs and the same would now be required to be done by physical ballots. This contention is stoutly contested by the learned counsel for the petitioner.

6. One of the issues that arise would relate to the number of machines that would be required, considering that the Delhi University has only 50 EVMs remaining. This court is informed that the question as to the number of machines necessary for conducting the polling is dependent on the number of voters as well as the number of candidates. The said data is available with the petitioner. We also consider it apposite to note that according to the respondents, more than 100 EVMs would be required for conducting the poll, which is also disputed by the learned counsel for the



petitioner.

7. In the given circumstances, we clarify that if the petitioner is able to persuade the Delhi University to part with the machines with the requisite staff and communicate the same to the Returning Officer by 12 noon on 13.03.2025, the respondent shall act accordingly and ensure that, if possible, the voting is conducted through the available EVMs.

8. The learned counsel appearing for the petitioner states that if the voting is held through physical ballot paper, the petitioner does not want his name on the ballot paper. It is open for the petitioner to communicate the same to the Returning Officer.

9. In so far as the prayer that respondent no.7 be restrained from acting as the chairman of the *ad hoc* committee is concerned, we find no ground to entertain the said prayer. The *ad hoc* committee was constituted by a Coordinate Bench of this court. The chairman of the *ad hoc* committee has since tendered his resignation. Therefore, the next senior most person is required to continue to act in his place.

10. The petitioner also prays that the Judge-in-Charge, the learned Special Judge, (PC Act) Rouse Avenue Courts, be directed to supervise the conduct of the elections. No orders are required to be passed in this regard.

11. The petition is disposed of in the abovesaid terms. Pending applications are also disposed of.

12. Order *dasti* under signature of the Court Master.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 12, 2025\M

[Click here to check corrigendum, if any](#)