



\$~67

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

+ W.P.(C) 11868/2025 & CM APPL. 48459/2025, CM APPL. 48460/2025

SURESH K

.....Petitioner

Through: Mr. Rishi K.S. Gautam, Adv.
(M:9711007941)

versus

ELECTION COMMISSION OF INDIA & ANR.Respondents

Through: Miss Suruchi Suri, standing counsel
for R-ECI with Mr. Parveen Suri
Adv. (Through VC)
Mob: 9810255518
Email: litigation@surico.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

07.08.2025

1. The present writ petition has been filed by the petitioner, the president of a political party 'Janata Dal', seeking urgent intervention of this Court against the conduct of the Election Commission of India ("ECI") in not deciding the petitioner's application for registration of the party under Section 29A of the Representation of Peoples Act, 1951 ("RP Act").
2. It is submitted that the petitioner's party was duly constituted on 31st July, 2024, and the application for registration was formally submitted to the respondent no.1 on 27th August, 2024, along with all the necessary documents. It is submitted that the petitioner furnished all rectified and updated documents, including, revised affidavits, constitution of political party, General Body meeting resolutions, membership list and alternative



proposed names for the party, *vide* covering letter dated 27th June, 2025. However, despite the petitioner having complied with all the procedure and documentary requirement under Section 29A of the RP Act, the respondent no. 1 has failed to take any decision on the petitioner's application for the registration of the political party.

3. It is submitted that more than eleven months have passed since the petitioner submitted the application for the registration of the political party. It is further submitted that this unwarranted and prolonged delay has severely impaired the organizational stability of petitioner's party. Learned counsel for the petitioner submits that local body elections in the State of Kerala are scheduled to be held in November, 2025 and the general elections through Kerala Legislative Assembly are anticipated in or before May, 2026.

4. Thus, it is submitted that in the absence of timely registration, the petitioner's political party shall stand effectively precluded from participating in the democratic process. It is submitted that non-registration would render the party ineligible to be allotted a symbol, to nominate candidates and its banner, or to engage in officially sanctioned electoral activity. Thus, present writ petition has been filed.

5. In response to the present writ petition, learned counsel for respondent no. 1, i.e., ECI, submits that pursuant to the application of the petitioner, a notice had been issued to the petitioner on 20th February, 2025, pointing out certain procedural and documentary deficiency in the application and requesting compliance and rectification. It is submitted that the petitioner responded to the said letter of the respondent-ECI with a delay of four months only on 27th June, 2025.

6. Learned counsel for the respondent no. 1 further submits that the



detailed scrutiny of the application of the petitioner has been done and it has been observed that the petitioner has still not furnished the documents pertaining to check list no. 29/30, in respect of its vice president and general secretary and deposit of income tax returns filed for last three years of certified details of monthly income, along with the source of income. It is submitted that the same had been informed to the petitioner by way of a letter dated 28th July, 2025.

7. It is submitted that the respondent-ECI has processed and considered the application of the petitioner expeditiously. She further submits that subject to the petitioner complying with all the directions of the ECI, the application of the petitioner shall be decided finally accordingly.

8. Considering the submissions made before this Court, it is directed that subject to the petitioner complying with all the directions of the ECI with regard to any deficiency or discrepancy, as may be pointed out with regard to the application of the petitioner, the respondent-ECI shall consider and decide the application of the petitioner, within a time bound manner, preferably, within a period of two months, from today.

9. This Court notes that a copy of the guidelines issued by the ECI have been duly handed over to learned counsel appearing for the petitioner. Accordingly, it is expected that the petitioner shall check all the guidelines issued by the ECI in that regard and make compliances thereto.

10. With the aforesaid directions, the present writ petition, along with the pending applications, is disposed of.

MINI PUSHKARNA, J

AUGUST 7, 2025/SR