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

+ **W.P.(C) 13911/2025 & CM APPL. 56966/2025**

AAKASH GOEL

.....Petitioner

Through: Mr.Vibhor Garg with Mr.Kumar
Utkarsh, Mr.Keshav Tiwari, Advs.

versus

ELECTION COMMISSION OF INDIA AND ORSRespondents

Through: Ms.Rohini Prasad, Adv for R-1.
Mr.Mukul Singh, CGSC with Mr.Aryan
Dhaka, Adv for R-2 & 3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **10.09.2025**

1. The instant public interest litigation petition has been instituted with the following prayers:-

“i) issue any appropriate writ, order or direction, directing the Respondent No.1 to fix spending limit on the expenditure undertaken by the political parties and club it with the spending limit as applicable to candidates;

ii) issue any appropriate writ, order or direction, directing the respondents to implement Model Code of Conduct at least two months in advance before voting day as against current one month, simultaneously with the allocation of funds to the election commission;

iii) issue any appropriate writ, order or direction, directing the respondent no.1 to ensure effective circulation of information relating



to the candidates including their affidavits, assets details, criminal records if any, etc through electronic/physical mode along with voter slips;

iv) issue any appropriate writ, order or direction, thereby declaring Section 38(2) & 38(3) of The Representation of the People Act 1951 as Unconstitutional giving unfair advantage to the candidates contesting elections through recognised political parties and putting independent candidates at a disadvantageous position;

v) issue any appropriate writ, order or direction, directing the respondent NO.1 to provide share the expenditure details along with candidates affidavits received by it from the respective candidates with the respondent no.3 in a digitized format, enabling the respondent no 3 to process the same as per applicable law;

vi) pass direction or such further orders or directions as this Hon'ble Court may deem fit and proper in the interest of justice; and

vii) allow the present writ petition in favour of the petitioner.

2. If we carefully peruse the aforesaid prayers, what we find is that except for prayer (iv) all other prayers are in the realm of policy making. So far as prayer (iv) is concerned, the Hon'ble High Court of Telangana in ***Pareekshith Reddy Pesarikayala v. Union of India***, 2024 SCC Online TS 92 has already upheld the validity of Section 38(2) of the Representation of the People Act, 1951 with which we are in respectful agreement.

3. As regards the other prayers, as already observed above, the same are in the realm of policy.

4. Our attention has been drawn to Proposed Electoral Reforms as submitted by the Election Commission of India to the Central Government. The said Proposed Electoral Reforms have been enclosed as Annexure P-12 to



the instant petition.

5. We thus refrain from interfering with the other prayers made in the public interest litigation petition for two reasons, namely (1) prayers exclusively lie in the domain of policy making and as such it will not be permissible for this Court to issue any such direction as has been sought by the petitioner and (2) the Proposed Electoral Reforms are already pending before the Government as suggested by the Election Commission of India.

6. In the aforesaid circumstances while declining to interfere in this petition, we permit the petitioner to make a representation for redressal of the grievances raised in this petition to the competent authority in the Government of India to consider the same and take appropriate steps.

7. The petition along with pending application thus stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

SEPTEMBER 10, 2025

S.Rawat