



2025:DHC:8991



\$~68

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 09th October, 2025**

+ W.P.(C) 15262/2025, CM APPL. 62541/2025, CM APPL. 62542/2025 & CM APPL. 62543/2025

AKHIL BHARATIYA JAN SANGH

.....Petitioner

Through: Mr. Pranay Ranjan, Mr. Mrigank Prabhakar, Mrs. Rachana Ranjan, Mr. Pratap Ranjan, Ms. Sakshi Banga, Mr. Siddharth Sahu, Ms. Astha Singh, Advocates (M:9953068680)

Email: mprabhakar@officeofmp.com

versus

ELECTION COMMISSION OF INDIA

.....Respondent

Through: Ms. Rohini Prasad, Advocate and Ms. Ashika Ranjan, Advocate (M:9818065913)

Email: ashikaranjan2509@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking directions to the respondent – Election Commission of India (“ECI”), to consider the application of the petitioner dated 25th August, 2025 and allot a common election symbol in terms thereof for contesting the upcoming Bihar Assembly Elections, 2025 under the banner of ‘Akhil Bharatiya Jan Sangh’ and to strike down the communication dated 01st September, 2025, issued by the respondent.

2. Learned counsel for the petitioner submits that the name of the party



2025:DHC:8991



as, '*Akhil Bharatiya Jan Sangh*', has been duly registered by ECI *vide* its letter dated 20th October, 1989.

3. It is submitted that the respondent has refused to allot a common election symbol to the petitioner for contesting the upcoming Bihar Assembly Elections, 2025, as the respondent has claimed that there is an internal dispute in the party.

4. It is submitted that the concerned internal dispute, as raised by one Mr. Sameer Singh Chandel, is no longer material, as the said Mr. Sameer Singh Chandel, has already been expelled from the party in the year 2019.

5. It is further submitted that the dispute with regard to the internal elections of the party is pending in the Allahabad High Court, in *Civil Misc. W.P.(C) 25309/2021*, pertains to the internal party elections of the year 2019.

6. Thus, it is submitted that the aforesaid Mr. Sameer Singh Chandel, has no concern with the affairs of the party from the date of his expulsion. It is further submitted that the said Mr. Sameer Singh Chandel is not even appearing in the Allahabad High Court.

7. Attention of this Court has been drawn to the *Annexure P-3*, which is a letter written by the petitioner to the respondent-ECI, wherein, prayer was made for the purposes of allotment of one model symbol for contesting the assembly elections of Andhra Pradesh. Pursuant thereto, an election symbol was duly allotted to the petitioner.

8. Thus, it is the stand of the petitioner that the petitioner was allotted an election symbol in the year 2024 for contesting the assembly elections of Andhra Pradesh.

9. Attention of this Court is also drawn to the document annexed at



2025:DHC:8991



Annexure P-5, wherein, at Serial No. 14, the name of the petitioner party occurs under the head ‘Registered (Unrecognized) Parties’.

10. Attention of this Court is also drawn to *Annexure P-7*, which is a letter dated 25th March, 2025, issued by the petitioner, wherein, they have categorically stated about the new office bearers and the national executive of the party.

11. It is submitted on behalf of the petitioner that after 2019, three internal elections of the petitioner party have been conducted to elect the executive of the party.

12. Learned counsel appearing for the petitioner has also handed over to this Court copy of a letter dated 02nd May, 2019 to show that the expulsion of Mr. Sameer Singh Chandel, was duly intimated to the respondent. The said letter is taken on record.

13. *Per contra*, learned counsel appearing for the respondent-ECI has handed over to this Court copies of various letters written in the year 2019, 2020 and 2021, to submit that there are internal disputes between the parties and letters have been received by the respondent from the said Mr. Sameer Singh Chandel, who claims himself to be the national President of the petitioner party.

14. She further submits that letters have also been received from other members of the said faction which is allegedly headed by Mr. Sameer Singh Chandel. The aforesaid documents are taken on record.

15. Thus, it is submitted that in view of the internal disputes between the parties, the election symbol cannot be granted to the petitioner.

16. She further relies upon the judgment in the case of ***Janata Party Versus Election Commission of India and Another, 2024 SCC OnLine Del***



2642, and relies upon the following paragraphs:

“xxx xxx xxx

16. In Swami Chakrapani (supra), a Division Bench of this court has reiterated that it is not for the ECI to resolve the inter-se disputes in a registered-unrecognised political party and the only remedy available to a person who wants to exercise his or her rights as President/office bearer, is to take recourse to filing a declaratory suit or any other appropriate civil remedy. Relevant extracts of the said judgment are as under:

“(iv) Challenge to the orders of the Division Bench was unsuccessful and the SLP was dismissed in limine on 06.05.2013. Reading of the order of the Division Bench leads to an inevitable conclusion that the only remedy available to the Appellant is to seek a declaration in a civil suit with regard to his claim to be a National President of ABHM. The Division Bench clearly observed that it was beyond the powers and jurisdiction of ECI to recognize the Appellant as the President, more so, in view of the inter se disputes, where several rival persons were claiming to be the party President. It was also observed that notwithstanding the dismissal of the civil suit for non-prosecution, filed by one of the rival groups, Appellant could not be recognized as the National President, in the absence of any material to show that he was the elected President and especially in face of the material on record, showing internal disputes in the Management since 2004. The Division Bench also held that in case any person wanted to exercise his or her rights as President/office bearer, it was for him to seek a declaration to that effect and he cannot be allowed to hold office merely for the reason that the others have not approached the Court of Law.

(v) It may also be useful at this stage to allude to the order of the Division Bench dated 13.07.2012, passed in the Review Petition, wherein it was held that the inter se disputes have to be resolved in a civil suit and if the Appellant claimed himself to be the President, it was for him to seek a declaration to that effect. It was reiterated that the ECI does not have the power to exercise any quasi-judicial powers and decide the inter se disputes pertaining to unrecognized political party.

(vi) The learned Single Judge in the impugned judgment has taken note of the orders passed by the Division Bench and noted that despite the said orders, the Appellant has yet again raised the same contentions. Having so observed, the learned Single Judge, in our view, rightly rejected the plea raised by the Appellant on the ground that once the said plea was rejected by the Division Bench and the



order was upheld by Hon'ble the Supreme Court, the only remedy available to the Appellant was to seek a declaration, in case he desires to stake a claim to the presidency of ABHM.

(vii) Moreover, as brought out by the Interveners, in the applications being CM Appls.34412/2020 and 11804/2021, there are two suits presently pending bearing Civil Suit No. 344/2020 and Civil Suit No. 147/2021 before the Trial Courts at Delhi and the inter se disputes between different groups are yet to be resolved. It is also pointed out that that two criminal complaints, bearing Nos. 18831/2016 and 20918/2016 which have a nexus with the present issue are also pending.

(viii) In view of the aforesaid aspects of the matter and the judgments aforementioned, this Court disagrees with the Appellant that his claim of being the National President is undisputed and that there are no rival claims to the said position. As held by the Division Bench, it is not for the ECI to resolve the said disputes and in case the Appellant desires, he is at liberty to take recourse to filing a declaratory suit or any other appropriate civil remedy to claim the National presidency of ABHM. Thus, in our view, no direction can be issued to the ECI by this Court to recognize the Appellant as a National President of ABHM, in the wake of disputes pending in that regard and no infirmity can be found by the impugned judgment passed by the learned Single Judge.”

xxx xxx xxx

20. Unlike Clause 15 of the Election Symbols (Reservation And Allotment) Order, 1968, which empowers ECI to decide disputes between rival sections or groups of a “recognised political party” each of whom claims to be that party, there is no corresponding provision that empowers ECI to decide disputes between rival sections or groups of a “unrecognized political party”, like the petitioner.
xxx xxx xxx”

17. Learned counsel for the respondent has also handed over copy of a ‘Performa of Application for Allotment of Common Symbol under Para 10B of the Election Symbols (Reservation and Allotment) Order, 1968’ and submits that the petitioner has not deposited the undertaking in terms of *Annexure-III* of the said application form. In particular, she relies upon Para 3 under the header of ‘note’ of the said application form, which is



reproduced as under:

“xxx xxx xxx

3. *It may also be noted that the party will have to submit a Declaration confirming authorized office bearers on Commission's record and also attach a declaration of having submitted the requisite Contribution Report, Audited Annual Accounts and Election Expenditure Statement(s) of the Party to the office of Chief Electoral Officer of the State where the Party is having its headquarters. Declaration should be duly notarized and signed by the President or General Secretary or a person holding equivalent level position in the party, as per specimen attached at Annexure-III.*

xxx xxx xxx”

(Emphasis Supplied)

18. Learned counsel appearing for the respondent has also handed over to this Court, letters dated 09th January, 2020, 02nd August, 2021 and 07th February, 2022, to submit that letters have been written by the ECI to the respective factions to resolve the internal dispute and submit to this Court the resolution. The said letters are taken on record.

19. She submits that the directions given by the ECI in the aforesaid letters have not been challenged.

20. Having heard learned counsels for the parties, this Court takes note of the fact that as per the case of the petitioner, the aforesaid Sameer Singh Chandel already stands expelled from the Akhil Bhartiya Jan Sangh, which decision has not been challenged by the said Sameer Singh Chandel.

21. This Court, in this regard, takes note of Para 6 (x) of the petition, which is reproduced as under:

“xxx xxx xxx

x. *It appears the ECI had purportedly sent a reply to the representations of the petitioner vide an order dated 17.07.2025. It is pertinent to note that this order was never received by the Petitioner as it was deliberately marked to the office/residence address of Mr. Sameer Singh Chandel, and not the address of the Petitioner. Mr.*



2025:DHC:8991



Sameer Singh Chandel has been expelled from the Party in 2019. The application of the Petitioner for allotment of the Election symbol was rejected by the ECI. This letter was handed to the Petitioner later during the pendency of W.P.(C) No. 11677/2025. True copy of letter dated 17.07.2025 is marked hereto and annexed as Annexure P-10.

xxx xxx xxx”

(Emphasis Supplied)

22. It is also noted by this Court that the petitioner was allowed by the respondent to contest the Assembly Elections of the state of Andhra Pradesh, wherein, the petitioner party was also allotted a symbol.

23. For the purposes of contesting the aforesaid Assembly Elections of the state of Andhra Pradesh, the petitioner had duly filed an application with the respondent ECI, wherein, prayer was made for allotment of a symbol.

24. Pursuant thereto, an election symbol was duly allotted to the petitioner, which is reproduced as under:





2025:DHC:8991



25. Thus, it is to be noted that the petitioner was allotted an election symbol in the year 2024 for contesting the Assembly elections of Andhra Pradesh.

26. This Court further takes note of the document annexed at *Annexure P-5*, wherein, at Serial No. 14, the name of the petitioner party occurs under the head 'Registered (Unrecognized) Parties', in the list of participating political parties in the elections to the Legislative Assembly of State of Andhra Pradesh. The said document is reproduced as under:

Election Commission of India, State Election, 2024 to the legislative assembly of Andhra Pradesh

3 - LIST OF PARTICIPATING POLITICAL PARTIES

PARTY TYPE	ABBREVIATION	PARTY
NATIONAL PARTIES		
1.	BJP	Bharatiya Janata Party
2.	BSP	Bahujan Samaj Party
3.	CPI(M)	Communist Party Of India (marxist)
4.	INC	Indian National Congress
STATE PARTIES		
5.	TDP	Telugu Desam
6.	YSRCP	Yuva,ana Sramika Rythu Congress Party
STATE PARTIES - OTHER STATES		
7.	AIFB	All India Forward Bloc
8.	CPI	Communist Party Of India
9.	CPI(ML)(L)	Communist Party Of India (marxist-leninist) (liberation)
10.	IUML	Indian Union Muslim League
11.	RJD	Rashtriya Janata Dal
12.	RSP	Revolutionary Socialist Party
13.	SP	Samajwadi Party



2025:DHC:8991



party and the contesting of the elections by the petitioner party in the year 2024, was never challenged by the breakaway faction, allegedly headed by Mr. Sameer Singh Chandel. Even otherwise, nothing has been brought forth before this Court that the other faction intended or intends to contest any elections or have made any application to the ECI in this regard. Thus, there is no dispute which is pending as such wherein two factions of the same party are claiming rights for allotment of a symbol or for contesting elections. In the absence of such a dispute, there is no impediment in passing order in favour of the petitioner.

29. This Court also takes note of the document attached as *Annexure P-7*, which is a letter dated 25th March, 2025, issued by the petitioner to the respondent ECI, wherein, they have categorically stated about the new office bearers and the national executive members of the party. The said letter is reproduced as under:

AKHIL BHARATIYA JANSANGH

AKHIL BHARATIYA JANSANGH

Acharya Dr. Bharat Bhushan Pandey

Pramod Kumar Soni

Rastriya Adhyaksh

Adhyaksh, Delhi Pradesh

Mob No. 9899412015

Ref No. ABJS/EC/1-25

Date – 25/03/2025

To,

The Secretary,

Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi
110001

Subject- Regarding Akhil Bharatiya jansangh (a registered unrecognized political party) Election of new Executive Committee for 2025-2027.



Sir,

The National Council of the Party met on 1st, 2nd and 3rd of the February, 2025 at Prayagraj (U.P.) during Mahakumbh. Members of the National Council expressed their displeasure and discontentment over the attitude of the Election Commission which has harassed the Party for no- wrongdoing and no rivals in the field. Meeting condoned and recorded in the books the death of our National Vice President and plaintiff in our Civil Writ Petition at Allahabad High Court Shri K. N. Vasudevacharya ji (Varanasi). The meeting also nominated Shri Gopal Jee Ojha (Varanasi) U. P. State Vice President of the Party to look after the Civil Writ Petition at Allahabad High Court in place of late Shri K. N. Vasudevacharya Ji.

As per our Constitution we have conducted organizational election for next session i. e. 2025-27. Shri Jagdish Shastri, Secretary of the Party was nominated returning officer for organizational election. Election process started with

nomination for National President of the Party. All delegates from various States gathered in the meeting and appreciated the leadership of the incumbent President Acharya (Dr.) Bharat Bhushan Pandey who also had been close associate of our founder leader and former M. P. Lok Sabha Prof. Balraj Madhok. Not a single nomination was filed or single name was proposed against Acharya (Dr.) Bharat Bhushan Pandey who got elected unanimously as National President of the Party for next term i.e. 2025-2027. The Council had also authorised the National President Acharya (Dr.) Bharat Bhushan Pandey to nominate the office bearers of the Party at Central, State and various levels. As per his wish to strengthen the Party organization, Dr. Pandey announced the new office-bearers and National Executive of the Party whose names are as follows:-

1. National President- Acharya (Dr.) Bharat Bhushan Pandey
Friends Colony, Ara 802301 (Bihar).
2. National Vice Presidents-
 - A. Shri Pranav Kumar Ambalal Patel@Gopal Bhai Patel (Ahmadabad-Gujarat).
 - B. Shri M. Sudhakar Chaudhary (Tirupati, Andhra Pradesh).
 - C. Smt. Rajni Dubey (Gaya, Bihar) Former Lok Sabha candidate.
 - D. Shri Desh Kumar Kaushik (New Delhi) Ex Lok Sabha candidate



2025:DHC:8991



3. National General Secretary---

Shri Rakesh Koul Gurkha (Shrinagar, J & K).

4. National Secretaries-

- A. Shri B. K. Ramna Reddy (Chittur, A. P.).
- B. Shri Dinesh Jindal (Kurukshetra-Haryana).
- C. Shri Jagdish Dubey@ Jagdish Shastri (Mumbai- Maharashtra).
- D. Shri Santosh Tiwari (Ayodhya, U. P.).
- E. E. Shri Amarish Tiwari (Prayagraj, U. P.).

5. Treasurer –

- a. A. Shri Anil Sharma Bhardwaj (Jaipur, Rajasthan).

Members-

- 1. Shri Sangu Krishnan, (Chennai- Tamilnadu)
- 2. Shri Pramod Kumar Sotie, New Delhi
- 3. Shri Anupam Sharma, (Mathura, U. P.).

- 4. Shri Vaidya Mohan Mathpal, Uttranchal.
- 5. Shri Gopal Jee Ojha, (Varanasi, U. P.).
- 6. Shri Diptendu (Howrah-West Bengal)
- 7. Shri Anjani Tiwari, (Varanasi, U.P.)
- 8. Shri Arvind Shrivastav (Gonda--U. P.)
- 9. Shri Ravi Shrivastav (Raipur- Chattisgarh)
- 10. Shri Rugeshwar Khandwal (Assam)
- 11. Shri Satyendra Narayan Singh (Ara-Bihar)
- 12. Shri Anil Kumar Pandey (Patna, Bihar)
- 13. Shri Sahadev Poddar, (Deoghar, Jharkhand)
- 14. Shri C. S. Rao (Vishakhapatnam A. P.)
- 15. Shri Babu Rajender Prasad
- 16. Shri Shivraj Mumane, (Latur- Maharashtra).

Kindly put this list of office-bearers on the record of Commission for further references. The executive committee has also authorised Delhi State President Shri Pramod Kumar Sotie to submit this list.

With regards,

Yours sincerely,
Sd/-

(Pramod Kumar Sotie)
President, Delhi State

30. This Court further notes that as per the submission made before this



2025:DHC:8991



Court, the aforesaid Mr. Sameer Singh Chandel, was expelled in the year May, 2019 and he has not challenged the said expulsion, till date.

31. This Court is of the considered view that the dispute pertaining to the internal elections of the party held in the year 2019, which are the subject matter of the dispute in the Allahabad High Court, would have no bearing on the present proceedings. It is to be noted that after the year 2019, as per the submissions made on behalf of the petitioner, three internal elections of the petitioner party have been conducted, to elect the executive members of the party, for the periods from 2021-2023, 2023-2025 and 2025-2027.

32. Learned counsel appearing for the petitioner has also handed over to this Court copy of a letter dated 02nd May, 2019 to show that the expulsion of Mr. Sameer Singh Chandel, was duly intimated to the respondent. The said letter is taken on record.

33. Though, it is the contention of learned counsel appearing for the respondent that an internal inquiry has been initiated as to how a symbol was allotted to the petitioner in the year 2024, the fact remains that a symbol was duly allotted to the petitioner, which has not been challenged by any rival faction of the petitioner party. Thus, there is no dispute as regards the said factual situation, which has not been challenged by any alleged opposing faction of the petitioner party.

34. On a pointed query by this Court as to whether the other faction which is allegedly headed by Mr. Sameer Singh Chandel, has requested for allotment of any symbol for contesting any elections, the answer by learned counsel appearing for the respondent-ECI, is in the negative. This is a material factor as there are no competing factions before the ECI claiming to contest elections under the banner of the same party.



2025:DHC:8991



35. Further, the judgment in the case of *Janata Party (Supra)*, as relied upon by the respondent, is not applicable to the facts and circumstances of the present case. The said case pertains to the dispute as raised by a candidate for recognizing him as the president /office bearer of the party in question. In the said case, the Court rightly held that it is not for the ECI to decide the internal disputes between the rival factions of an unrecognized political party.

36. However, in the present writ petition, there is no such dispute before this Court, as it is only the petitioner who has approached this Court and also the ECI for the purposes of allotment of common symbol for contesting the Assembly elections of state of Bihar. Further, the petitioner was also allowed to contest elections in the year 2024 for the Assembly elections of the state of Andhra Pradesh, for which purpose a symbol was also duly allotted to the petitioner. As noted above, the said act or conduct of the petitioner in contesting elections under the banner of Akhil Bhartiya Jan Sangh in the year 2024, was neither challenged, nor is subject matter of any dispute before any Court of law.

37. There is no application before the respondent-ECI by the other alleged faction for allotment of any common symbol for contesting elections, and there is no such dispute before this Court also, raised by the other alleged faction.

38. Accordingly, considering the facts and circumstances of the case and considering the fact that it is only the petitioner who has been approaching the respondent-ECI with application for allotment of a symbol for contesting the State Assembly Elections of Bihar and has also contested the earlier elections of the State Assembly Elections of Andhra Pradesh, this Court is of



2025:DHC:8991



the considered view that the petitioner is entitled to relief as prayed for.

39. However, considering the submission made by learned counsel appearing for the respondent that Declaration in terms of *Annexure-III*, of the Performa of Application for allotment of common symbol, as aforesaid, is required to be submitted by the petitioner, it is directed that the petitioner shall submit the requisite Declaration in terms of the requirement of the ECI.

40. Subject to the petitioner complying with the aforesaid direction of the ECI, it is directed that a common symbol shall be allotted forthwith to the petitioner, in order to allow the petitioner to contest the State Assembly Elections of state of Bihar, which have already been announced.

41. Accordingly, the communication dated 01st September, 2025 is accordingly set aside.

42. With the aforesaid directions, the present writ petition along with the pending applications is accordingly allowed and disposed of.

MINI PUSHKARNA, J

OCTOBER 9, 2025/ak