IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.732 OF 2026.

1. Paresh Salgaonkar,
   S/o. Vasant Salgaonkar,
   Aged 41 Years, Indian National,
   R/o. Mudras Mansion; Upper Ground
   Apt No. 3, Odlem Bhat
   Calapor Tiswadi- Goa.

2. Mr. Haresh Salgaonkar,
   S/o. Vasant Salgaonkar,
   Aged 44 years, Indian National,
   R/o. Mudras Mansion; Upper Ground
   Apt No. 3, Odlem Bhat
   Calapor Tiswadi- Goa.

3. Mr. Rajesh Salgaonkar,
   S/o. Vasant Salgaonkar,
   Aged 54 years, Indian National,
   R/o. Mudras Mansion; Upper Ground
   Apt No. 3, Odlem Bhat
   Calapor Tiswadi- Goa.

4. Ms. Gayatri Salgaonkar,
   D/o. Vasant Salgaonkar,
   Aged 36 years, Indian National,
   R/o. Mudras Mansion; Upper Ground
   Apt No. 3, Odlem Bhat
   Calapor Tiswadi- Goa.

5. Mrs. Vasanti Salgaonkar,
   W/o. Vasant Salgaonkar,
   Aged 80 years, Indian National,
   R/o. Mudras Mansion; Upper Ground
   Apt No. 3, Odlem Bhat
   Calapor Tiswadi- Goa.

6. Mrs. Rajashree Salgaonkar,
D/o. Vasant Salgaonkar
Aged 42 years, Indian National,
R/o. Mudras Mansion; Upper Ground
Apt No. 3, Odlem Bhat,
Calapor Tiswadi- Goa. **... Petitioners**.

Versus

1. The State of Goa,
Through its Chief Secretary,
Secretariat, Porvorim, Goa- 403501.

2. The Chief Electoral Officer
Office of the Chief Electoral Officer,
Altinho, Panaji - Goa 403001.

3. The Collector/ District Election Officer
Office of the District Election Officer (Collector), Panaji, North Goa, - 403001.

4. The Electoral Registration Officer (ERO).
ERO for 13 - St. Cruz assembly constituency
Office of the Dy. Director of Skill development and Entrepreneurship, 3rd floor, Shram Shakti Bhavan, Patto, Panaji - Goa 403001.

5. The Assistant Electoral Registration Officer (AERO), AERO 13, St. Cruz Assembly Constituency Office of the Mamlatdar (Joint Mamlatdar II,) Panaji - Goa 403001. **... Respondents.**

Mr. Vivek Rodrigues, Advocate with **Mr. Kevin Braganza, Mr. A. Rane Sardessai, Mr. Naresh Chandwani, Mr. Aditya Parab** and **Ms. G. Parwatkar, Advocates** for the Petitioners.

Mr. Ashutosh Kumbhakoni, Senior Advocate with **Mr. Gaurish Agni** (through V.C.), **Mr. Yash Naik, Mr. Shourya Shubham, Mr. Clive Fernandes, Mr. Madhav Cuncoliencar** and **Ms. Ruchika Mishra, Advocates** for Respondents 2 to 5.

CORAM: VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.

Reserved on: 13th October 2026.

Pronounced on: 5th November 2026.

JUDGMENT: (Per. Valmiki Menezes, J.)

1. This Petition seeks to impugn orders dated 21.01.2026 passed by the Electoral Registration Officer (ERO) (original order), order dated 02.03.2026 passed by the District Election Officer (DEO) (First Appellate order) and order dated 16.04.2026 passed by the Chief Electoral Officer (Second Appellate order), deleting the Petitioners' names from the Electoral Roll prepared for the year 2026 on grounds that these are contrary to the Representation of the People Act, 1950 (RP Act) and Registration of Electors Rules (the Rules), and being arbitrary and without following the principles of natural justice.

2. It is the Petitioners' case that they being residents of Santa Cruz, Tiswadi, Goa, have been exercising right to vote in the Santa Cruz Constituency since 1995 in Part 29 and their names have been recorded at serial numbers 355, 350, 349, 351, 353, and 356 on the Electoral Roll of 2025. They have also been voting in the General Assembly Election,

Lok Sabha Elections and Village Panchayat Elections in the same Part 29 since 2002.

The Petitioners, prior to the commencement of the enumeration process (SIR), had shifted their address in the same constituency and village, though in a different Part i.e Part 25 and therefore, on learning about the enumeration process contacted the Booth Level Officer (BLO) of their earlier Ward which falls in Part 29 and requested issuance of enumeration forms at their old address as it would be convenient for either of them. However, the BLO refused the said request and directed them to continue the enumeration process from their new address.

3. The Petitioners thereafter on 12.11.2025 contacted the BLO of the Ward where they now resided, who instructed them to submit Form-8 for change of address and the same was uploaded by the BLO on 08.12.2025 (after a month of receipt) who informed them that the same is under process and provided them with an acknowledgement receipt by SMS dated 08.12.2025. The enumeration phase concluded on 11.12.2025 and the Draft Electoral Rolls were published on 16.12.2025 for public inspection and for inviting objections and claims. This is when the Petitioners discovered that their names had been excluded from the earlier ward in Part 29 but not included in the Draft Roll of

Part 25. Upon inquiry with the BLO and polling booth staff, the Petitioners were assured that since their Form-8 application had been acknowledged by the Election Commission of India (ECI) on 08.12.2025, the change would be incorporated in the Final Roll and the same was again communicated to them on 02.01.2026 via ECI SMS through the online portal indicating that the BLO had been assigned to process the Petitioners Form-8.

4. On 10.01.2026, the Petitioners received ECI SMS from the online portal confirming that verification had been completed and that verification report of the BLO had been submitted and on 17.01.2026, the Petitioners' Form-8 had been forwarded to Electoral Registration Officer (ERO) which was within the stipulated time as the period of raising objections was extended from 15.01.2026 to 19.01.2026. However, on 21.01.2026 the Petitioners received automated notification through ECI SMS online portal rejecting their Form-8 application after three days from the last date of raising objections.

5. On 21.01.2026, when the Petitioners approached the Assistant Electoral Registration Officer (AERO) seeking explanation for rejection of Form-8, they were informed that their EPIC had been deleted and thus Form-8 could not be processed and they have to submit Form-6

as if it was a new enrollment and the same was again communicated to the Petitioners when they approached the ERO on 22.01.2026 which was within the last date for hearing objections and claims, on the Draft Electoral Roll, however, they were not heard, nor were their names entered in the revision register for pre-draft scrutiny or exhibiting as pending claim and no notice and inquiry prior to publishing Draft Electoral Roll was given.

6. Subsequently on 23.01.2026, the Petitioners filed a complaint on the National Grievance Service (NGS) Portal of the ECI and sought clarification regarding the rejection of Form-8; vide reply dated 24.01.2026, the AERO informed the Petitioners that their enumeration forms were not received as the processing stopped on 27.10.2025 and since the Petitioners changed their address their EPIC stood deleted and Form-8 was incapable to be processed.

7. The Petitioner filed complaint on 23.01.2026, to the Chief Electoral officer who forwarded the same to the Collector (District Election Officer), North on 09.02.2026, 17 days after its filing; vide reply dated 25.02.2026 (15 days upon receipt) the Collector justified the deletion of their name relying on the reasons given by AERO. Vide order dated

02.03.2026, on the First Appeal filed by the Petitioners before the District Election Office, the same was rejected without giving a reasoned order and just relied on the explanation provided by the AERO. The same order was assailed in Second Appeal before the Chief Electoral Officer, Goa by the Petitioners contending violations and breach of Rule 13(3), Rule 21A and Section 22 of the Representation of People Act, 1950.

Vide order dated 16.04.2026, the Chief Electoral Officer reiterated the same decision of the AERO and DEO on the ground that deletion occurred due to non-receipt of enumeration forms and that the Form-8 window on the portal was frozen during the said phase. The said orders are impugned in the present Petition.

SUBMISSIONS:

8. Advocate for the Petitioner Mr. Vivek Rodrigues has advanced the following submissions:

   a. Form-6 applies exclusively to first time electors seeking fresh inclusion of their names in the Electoral Roll and they being existing electors even though they have changed their address, are required to apply under Form-8 which governs corrections and transposition within constituencies.

b. The Petitioners approached the ERO on 22.01.2026 which was within the last date for hearing objections and claims, on the Draft Electoral Roll, however, no notice or hearing was afforded to the Petitioners.

c. The rejection of their Form-8 on 21.01.2026 is contrary to the Registration of Electors Rules, 1960 since there was no mandatory statutory scrutiny before the publication of the Draft Electoral Roll and the Chief Electoral Officer failed to examine the same. The rejection is without any reasons and in violation of the principles of natural justice which are enshrined in Section 22 of the RP Act. The Petitioners' Form-8 was duly submitted within time and was processed accordingly however was rejected at the final stage due to technical failure in the electronic processing mechanism as it was taken for processing after the publication of the draft roll.

9. Advocate for the Respondents No.2 to 4 Mr. Gaurish Agni, and on later dates when arguments were heard on behalf of the ECI, Senior Advocate Shri Ashutosh Kumbhakoni has advanced the following submissions:

a. That the Petitioners' Form-8 was rightly rejected as they had refused to fill up the pre-filled enumeration Forms to the BLO,

and submit to the BLO personally at their old address in Part 29. That for names to be transposed within Electoral Roll of the same constituency Form-6 has to be filled by the parties and not Form-8; it was submitted that the Petitioners are new voters in relation to the Draft Electoral Roll and therefore, it is Form 6 that is required to be submitted with the Declarations provided under Annexure D to the Guidelines. It was their contention that Form 6 and Form 8 as contemplated under Rule 13 applies only with respect to existing electoral entries and not during a Special Intensive Revision. Thus the Petitioners' Form-8 was rightly rejected since their names were not included in the Part-25 of Santa Cruz constituency; it was further argued that the portal for processing and disposal of Forms was freezed during the enumeration phase and thus the Form could not be processed.

b. That this Court ought not to hear this matter, and keep this Petition in abeyance until the pending matter before the Supreme Court dealing with challenges to the SIR in various States are decided. Reliance is placed on an order dated 11.11.2025 passed by the Supreme Court in ***Dola Sen v/s Election Commission Of India & Anr in Writ Petition No.1074 of 2025***, requesting the jurisdictional High Court to keep in abeyance and defer writ proceedings touching the validity of the SIR Rolls in

the respective States. Reliance was also placed on an order of the divisional bench presided by Hon'ble Chief Justice of Bombay High Court in Writ Petition no.12945 of 2026 in ***Sagar Ramesh Gawai v. Election Commission of India & Ors*** which in turn refers to the aforementioned order in ***Dola Sen*** (supra); according to the ECI, since the Bombay High Court has, in ***Sagar Ramesh Gawai*** (supra), which was a Petition seeking directions to the Election Commission of India to quash and set aside the SIR directions issued for the State of Maharashtra, this Court should also stay its hands from deciding this Petition.

CONSIDERATIONS:

SCHEME OF THE REPRESENTATION OF PEOPLE ACT, 1950 AND THE REGISTRATION OF ELECTORS RULES, 1960.

10. Part IIB of the Act provides for the preparation of revision of Electoral Roll for any parliamentary constituency; Part III provides for Electoral Rolls for assembly constituencies in the State. Under Part III, Section 19 thereof stipulates the eligibility and conditions for registration of a voter, which requires that a voter should not be less

than 18 years of age on the qualifying date and should be ordinarily a resident in a constituency. The right for registration of a voter, of course is reserved only for citizens of India.

11. "Ordinarily resident" is defined under Section 20 and is a wide term not restricted to mere ownership or possession of a dwelling house. Section 22 of the Act empowers the ERO for a constituency, on an application made to him or on his own motion, if satisfied, and after inquiry as it is fit to correct an erroneous or defective entry in the Electoral Rolls, transpose to another place in the Roll, an elector, on the ground that he has changed his place of ordinary residence, within a constituency or to delete an elector's name from the Rolls if he is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in the Rolls.

12. Most importantly, the proviso to Section 22, mandates that before taking any action in one of the three referred circumstances, the ERO is required to give the person concerned a reasonable opportunity of being heard in respect of the proposed action, and after proper verification of the facts, in the manner prescribed.

13. In contrast, Section 23 provides for inclusion of any person, whose name has not been included in the Electoral Roll of a constituency by

way of an application, on which the ERO shall, if satisfied that the applicant is entitled to be registered, direct his name to be included in a Roll for that constituency. Proviso to Section 23 mandates that the applicant if registered in the Electoral Roll of other constituency, the ERO shall inform the ERO of that other constituency, on receipt of the information, to strike off the applicant's name from that Roll. This position also bars amendment, transposition or deletion of any entry for inclusion of a name in Electoral Roll of a constituency, after the last date of making nominations for an election in that constituency.

14. Section 24 provides for appeals against orders passed under Section 22 or 23 of EROs to the District Magistrate and a second appeal to the Chief Electoral Officer from orders of the District Magistrate. What is challenged in this petition are the order dated 21.01.2026, passed by the ERO, order dated 02.03.2026 of the DEO and the order dated 16.04.2026 of the Chief Electoral Officer, rejecting the Petitioner's application for deletion of their names from Ward-9 (Cujira Jin) and inclusion of their names in the Electoral Roll of Ward-6 (Voddlem Bhat) within the Assembly Constituency Santa Cruz.

15. In exercise of the rule-making powers under Section 28 of the Act, the Central Government, after consulting Election Commission has notified the Registration of Electors Rules, 1960. These Rules, which apply to Assembly Constituencies, which are in pursuance of Sections 14 to 25A of the Act, provide for the manner of preparing the Electoral Rolls, the period for lodging claims and objections and the forms for claims and objections. Rule 8 of these Rules requires that the Registration Officer, for the purpose of preparing the Roll, send letters of request in Form 4 to the occupants of a dwelling house in any Part of the Constituency, and every person receiving such letter shall furnish information called for therein. Form 4 requires the statement of residence of a household who are eligible to be voters to be notified. In the present case, the Election Commission's stand is that the Election Commission was conducting a revision of the rolls under Rule 25, and a Special Intensive Revision (SIR) did not envisage issuance of a notice under Rule 8, in Form 4 of the occupants of a dwelling house.

16. Rule 10 requires the publication of the Roll as soon as it is prepared in a draft form, and is not the "Roll" under Rule 2(e), which is the Electoral Roll for a constituency. Rule 13 provides for the forms for claims and objections. Sub-Rule 1 thereof mandates that every claim

for inclusion of a name in the Roll as **new elector** shall be in Form 6 and signed by the applicant. Sub-Rule 2 of Rule 13 allows for objections to the proposed inclusion of name or application for deletion of a name in the **existing** Roll and such proposal shall be in Form 7. Sub rule 3 of Rule 13 provides for objections or applications for **shifting** of residence **within** the Constituency or **outside** the constituency or application for correction or updation of entries. These are to be made in Form 8.

Rule 14 requires that every application or objection for correction of entries in the existing Roll or application for **shifting of residence within the constituency or outside the constituency**, shall be either presented to the Registration Officer of the constituency in which the applicant is **ordinarily residing** or such officer as may be designated.

The procedure to be followed by designated officer dealing with all application under 13 and 14 is specified in Rule 15 to 21A, and all these are to be dealt with **before** publication of the Final Roll.

17. Rule 22 provides for the Registration Officer to publish the Roll together with the list of amendments whilst Rule 23 provides for

appeals from orders deciding claims, objections and applications from any decisions of the ERO under Rule 20, Rule 21 or Rule 21A.

18. Revision of Rolls for every constituency is permitted under Rule 25 and these may be carried out in either **intensive** form or carried out **summarily** or Party **intensively or Partly summarily** as the Election Commission may direct. Sub Rule 2 mandates that a roll or a Part is to be revised intensively in any year which shall be prepared afresh and Roll 4 to 23 shall apply in relation to such revision, as they apply in relation to the first preparation of a roll.

Rule 25 therefore makes no exception for the application of the procedure for modifying entries and making new entries under rules 4 to 23, whether in the case of an intensive revision or in case of a summary revision, and therefore makes applicable, the procedure under the Rules and the specific forms, i.e, Form 6, 7 and 8 under Rule 13 applicable even to intensive revision.

19. Thus, from the aforementioned scheme of these Rules, what is clear to us is that the "'Roll" referred to in Rule 13 and 14, is the existing Roll as defined under Rule 2(e) of the Rules and is not a Draft Roll. Rule 13 contemplates claim for inclusion in the existing Roll by three sets of persons.

20. Sub Rule 1 contemplates application for inclusion of a name of a **new elector**, who is required to file his application signed by himself in Form 6. A new elector is obviously someone who has never, at any time in the past been included on any previous Roll as an elector, either in a constituency or in any Part of a constituency. This is obvious from the perusal of the Form 6, prescribed under the Rules where the new applicant is required to disclose to the ERO, his details, which include citizenship, mobile number, Aadhaar number, date of birth and documentary proof which includes birth certificate, Aadhaar card, PAN card and such other documents stated in Form 6. The declaration appended to Form 6 requires the new voter to declare that he is a citizen of India, that he is ordinarily a resident at the address mentioned in the Form and most importantly, that he is applying for inclusion in the Electoral Roll **for the first time** and his name **is not included in any Assembly Constituency**/Parliamentary Constituency. The declaration also states that the applicant who wishes to include his name as a new voter is aware that if any of his statements in Form 6 are false he is open to be prosecuted for an offence punishable under Section 31 of the Act.

21. Sub-Rule 2 of Rule 13 contemplates objections to proposed inclusion of a name or an application for **deletion of name** in an existing Roll, which is required to be filed in Form 7 by a person whose name is on such Roll. Here again, a deletion of a name is contemplated from an existing Roll and not a Draft Roll. Form 7 may be filled by a person other than the person whose name is sought to be deleted, since clause 2 on the Form contemplates deletion for various reasons which include death, a person already been enrolled, a person having permanently shifted, a person having acquired a different citizenship or because the name which is enrolled is of a person who is underage. The declaration appended to the Form 7 is quite different from the one contained in Form 6, though the objector or applicant signing this Form also has to declare that if information given is false, he would be open to prosecution under Section 31 of the Act.

22. Sub-rule 3 of Rule 13 contemplates objections to Particulars in any entry in the Roll or an application by person who is **shifting residence within** the constituency or outside the constituency or for correction of entries and the same is required to be filed in Form 8 by the very person to whom the entry relates. Form 8 prescribed under this Rule requires the applicant to disclose his EPIC Number,

and if he is able to, his Aadhaar number, mobile number and email Id. This is in contrast to the requirement for a new voter under Form 6 to provide in a lot greater detail, information about the new voter. Column 2 of the Form requires the applicant to tick one of the four reasons for submitting the application i.e. shifting of residence or correction of entries in an existing Roll or replacement of EPIC without corrections or request for marking the person with disability. Obviously therefore, this Form will apply only in case of a person whose name exists in an Electoral Roll and who seeks to inform the ERO that he is shifting from the Particular Part to another Part or to a different constituency. For that purpose also, the Form provides for filling up of details of an applicant for shifting of residence by stating from which Roll he requires his name to be deleted at his previous address and the details of the residence/address where he has currently shifted to. For that purpose the Form requires production and filling up of the details of the new residence with address proof such as water/electricity bill, bank passbook, revenue document, lease agreement, Aadhaar card or sale deed. Similarly, provisions are made for three other Parts, i.e. for correction of entries in the existing Roll, replacement of EPIC and for marking a person with disability. The declaration appended to this Form requires the applicant to declare that he is a citizen of India and is aware that making

declaration which are false would be punishable under Section 31 of the RP Act.

In the Guidelines framed by the Election Commission of India, for filling up Form 8, Clause 4 of the Guidelines deal with application for shifting of residence and state that the application has to be made to the ERO of the constituency in which the new address of the applicant is located along with proof of the address.

23. Having considered the specific declarations that are to be made by a new voter in contrast to those that are required to be made by a voter who is applying for shifting of residence, it would be quite obvious that if a voter shifting residence as in the case of the present Petitioners, had filed an application in Form 6, they would not only be making a false declaration in their application for inclusion in an Electoral Roll for the first time, but would also be falsely declaring that their name was not included in any Assembly Constituency or Parliamentary Constituency in the past. A voter shifting from one residence to another can only file an application in Form 8, since he is a voter whose name already exists either in one Part of constituency, and would be shifting either to a different Part in the same constituency or to a different constituency. The Guidelines to filling up Form 8 specify

that the application has to be made to the ERO of the constituency in which the new address of the applicant is located, meaning thereby that if the shift of residence is from one Part to another Part of the same constituency, the ERO dealing with that constituency would effect the entry in the Rolls at the new address and delete the entry in the Roll for the Part where the existing voter was shown at the earlier address.

24. In our opinion therefore, the Petitioners could only fill up Form 8 as required under Rule 13 to inform the ERO of the Santa Cruz Constituency of their shift in address to Part 25, since it is not in dispute that their names existed in the election Roll for Part 29 of the same constituency. Had the Petitioners filled in Form 6, in the circumstances referred above, they would be making a false declaration that their name did not exist in any Electoral Roll and that they were applying for inclusion in an Electoral Roll for the first time.

25. The next question which would require consideration is whether, during the process of revision of the Electoral Roll, whether intensively or summarily or Partly adopting both methods the effect of Rules 13 to 22 could at any point be suspended and whether the Election Commission could refuse to entertain an application for

inclusion of a new voter submitting Form 6 or an application by a voter seeking shifting of residence from one Part to another Part or from one constituency to another.

26. Rule 25 provides for the revision of a roll either intensively or summarily and it further provides where the revision is to be done intensively in any year, it shall be prepared afresh. It also provides that Rules 4 to 23 shall apply in relation to an intensive revision as if they apply in relation to the first preparation of a Roll. This Rule will have to be read along with the provisions of Section 22 of the Act which empowers every ERO for a constituency, to correct erroneous or defective entry in a Roll and to transpose to another place in the roll, the persons who have changed their place of ordinary residence within the constituency. If the intensive revision is to be done by revising the Roll afresh, can the ERO, while this process is underway, refuse to transpose to another place in the roll, the persons who have changed their place of ordinary residence within the constituency.

27. Having considered the provision of Section 22, Rule 13 and Rule 25, we are of the opinion that even during the process of Special Intensive Revision of a Roll by preparing such Roll afresh, the provisions of Rule 13 read with Section 22 and the requirement to file Form 6 or Form 8

respectively for a new voter or for a voter seeking shifting of residence, does not get suspended. We reject any contention of the Election Commission that during the process of a Special Intensive Revision, the ERO is within the law to refuse giving effect to Form 8 whilst the revision is underway. We are clearly of the opinion that even whilst the revision of a Roll is ongoing, whether intensive or summary, the provisions of Section 22 or Rule 13 are never suspended and they continue to remain in force, and the EROs receiving Form 8 are bound to decide upon the application. Removal of a name of an elector from the revised Roll, specially when they have already submitted Form 8 for shifting of residence within the same constituency, as has been done by the Petitioners, and that too without affording them any hearing would amount to denial of the citizen's right to vote.

28. In that regard, we also considered the provisions of Rule 21A of the Registration of Electors Rules, 1960 which provides for the manner in which the ERO, before final publication of the Electoral Roll can take remedial action to include names of electors who were erroneously deleted from the Roll. The proviso to this Rule stipulates that before taking any action to delete the name of a person who has ceased to be ordinarily resident in the constituency or even otherwise not entitled to be registered to the Roll, an endeavor shall be made by the ERO to

give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him. This Rule is a reflection of the proviso to Section 22 of the RP Act which requires an ERO, to give, to the person, whose name exists on the Roll but is required to be deleted for any of the aforementioned reasons, a hearing before deleting such name.

29. In the present case, the Petitioners' names admittedly existed in Part 29 of the constituency and they sought shifting of residence and inclusion into Part 25 of the very same constituency. Admittedly they applied in Form 8 through the BLO on 12.11.2025, which was uploaded to the portal of the ERO of the constituency on 08.12.2025. The SIR for this constituency commenced on 04.11.2025 and the enumeration phase ended on 11.12.2025, obviously after the ERO had received the Petitioners' Form 8. The Draft Election Roll was published on 16.12.2025 while the ERO was already aware of a pending Form 8. At least during the objections stage to the Draft Roll, the ERO was duty bound to consider Form 8 and make the relevant deletions of the Petitioners' names from the Roll of Part 29 and inclusion of their names in Part 25. The ERO has neither adhered to the proviso to Section 22 by affording hearing to the Petitioner prior to rejection of Form 8 nor has he considered the declarations made in

Form 8 to give effect to inclusion of the names of the Petitioners in the Part 25 of the very same constituency. By definition, the Petitioners were not new voters and their application in Form 8 could not be rejected on the insistence that they should file Form 6 as new voters. We therefore hold, that the ERO has acted in a manner contrary to both, Rule 13 and Section 22 and on this count alone the original impugned Order dated 21.01.2026 must be set aside.

30. We would also make reference to specific facts which are not denied by the Respondents, which are circumstances under which the ERO, in the first instance rejected Form-8 filed by the Petitioners. Petitioners are admittedly existing electors at Part-29 of Santa Cruz Constituency since 1995. They shifted residence to a house inPart-25 of the same Constituency prior to commencement of the SIR. Enumeration under the SIR commenced in the Constituency with the BLO visiting the Petitioners old address on 08.11.2025 when, according to the Affidavit filed, was informed by the Landlord of the Petitioners' old rented premises that they had shifted house. On 12.11.2025, the Petitioners contacted the BLO and requested the Enumeration Form for recording their names as electors in the Part-25 of the same constituency which the BLO refused and directed the Petitioners to submit Form-8. Form-8 was uploaded online through

the BLO on 08.12.2025 and the Petitioners received a WhatsApp confirming receipt of the same. These documents are all attached to the Petition and are not in dispute.

31. Despite having received Form-8, the ECI published the Draft Electoral Roll for the Constituency on 16.12.2025 where the Petitioners names were missing. According to the Petitioners, the BLO, on 18.12.2025 assured the Petitioners that their Form-8 was under process and their names would appear on the Final Electoral Roll. On 02.01.2026, the Petitioners received an SMS message from the ECI stating that a BLO named Nihal Yashwant Sawant, with mobile number 8888407592 had been assigned for verification of Form-8. On 10.01.2026, the Petitioners, received an SMS from the ECI confirming field verification report for their application had been submitted and on 17.01.2026, the ECI sent the Petitioner a message that their applications had been forwarded to the ERO. The last date for recording objections and claims to the draft SIR was 19.01.2026. Despite having received the report from the BLO, the ERO has chosen not to process the Form-8 applications of the Petitioners and has after the last date for objections, on 21.01.2026 rejected the Petitioners Form-8, and communicated the same vide SMS message on the same date. We also take note that there is no formal order passed by the

ERO rejecting the application in Form 8 nor are any reasons assigned for such rejection. The rejection of his application in Form 8 and refusal to deal with the objections for non-inclusion of the Petitioners' names in the Draft Roll for Part 25 of the constituency, as shifted voters, is also done without following the principles of natural justice or affording the Petitioners a reasonable opportunity of being heard in terms of the mandate of the proviso to Section 22. The order of the ERO therefore has also been passed in contravention of these provisions.

32. When the matter was carried in appeal under Section 24 of the RP Act before the District Magistrate, the only reason recorded by the District Magistrate for concurring with the ERO's order was that the Petitioners' Form 8 could not be processed as no EPIC number was existing in the draft list, even though the draft list shows the Petitioners marked as "shifted". The Appellate order also records that the ERONET was **freezed** during the process of enumeration and there was no mechanism of processing Form 8.

33. At this stage we refer to a communication dated 20.02.2026 from the Joint Mamlatdar Tiswadi i.e. the AERO, who received the Petitioners' complaint of wrongful rejection of Form 8 which was addressed to the District Collector (DEO) stating that the Petitioners had in fact

appeared before the ERO/AERO and during the course of the hearing, the Petitioner was informed that he should fill Form 6 as an objection to non-inclusion of name. The communication also records that claims received in Form 6, form 7 and Form 8 are taken up for processing on 16.05.2025 after the Draft Roll was published and in cases of Form 8, when they were being processed, the system reflected "no record to EPIC details was found". This, according to the communication of the ERO, was the reason why the Form 8 could not be processed, as the EPICs were deleted from the "Eroll" and the ERONET login provided only one option available to the ERO, which was "reject".

34. The aforementioned communication reflects that the real reason for rejecting the Petitioners Form 8 was the refusal of the system provided to the ERO to pass orders in accordance with Section 22 read with Rule 13, where the system was designed to refuse processing of Form 8 by providing only one option to the ERO i.e. to reject the application. This position is also reflected in the Appellate order of the Second Appellate order passed by the Chief Electoral Officer of the State who has recorded on page 11 of its Order that though the Appellant filed Form 8 with the BLO dealing with Part 25 pertaining to his new address, on 08.12.2025, that as per ECI's instructions,

during the enumeration phase, Form processing and disposal was freezed. These finding clearly point to the fact that Form 8 filed by the Petitioners was rejected for only one reason, that the system did not permit the ERO to even process it and pass orders, since it was freezed during the enumeration period. This would amount to suspension of the provisions of Rule 13 read with Section 22 of the Act and is impermissible. The Form 8 has been correctly filed, as per reasons stated above it is not Form 6 that could be filed by the Petitioners as they are not **new voters**. There is no valid reason for rejecting Form 8, as there appears to be no adverse report of the BLO after confirming the Petitioners shifted residence in Part 25 of the Santa Cruz Constituency. The Form 8 therefore must be held to be granted by the ERO.

35. The First Appellate and the Second Appellate Court have neither considered the fact that there was absolutely no reasoning by the ERO for rejection of Form 8 nor have they considered the provisions of Rule 13 in the correct perspective, to erroneously conclude that the Petitioners are required to Form 6 and not Form 8 before the ERO. APart from this the other reason for rejecting the Petitioners' First Appeal was that the Appeal was filed beyond limitation, i.e. beyond 15 days from the date of SMS communication of rejection of Form 8.

First of all, we note from the record that the Petitioners filed a complaint to the Election Commission and the Chief Electoral Officer on 23.01.2026, immediately within 2 days of the SMS communication. This complaint was forwarded to the District Election Officer on 09.02.2026. The complaint ought to have been treated as an appeal, though filed in the wrong office, but within limitation. The Petitioners, were in any event not heard prior to rejection of Form 8 or prior to deletion of their names from the original Roll or prior to publication of the Draft Roll, despite their objections to the same. For breach of principles of natural justice, a writ Court under Article 226 is fully justified in setting aside the impugned order of rejection of Form 8, without relegating the Petitioners to their remedies under Rule 23, of Appeal.

36. The Respondents have relied upon the judgment of the Hon'ble Supreme Court in ***Association for Democratic Reforms & Ors v/s Election Commission of India & Ors vide Judgement dated 27.05.2026 in Writ Petition (Civil) No. 640 of 2025*** to contend that the Guidelines issued by the ECI for conducting an SIR have been upheld by the said judgment and since the enumeration Forms require to be filled under the said SIR, had not been filled in by the Petitioners, their names have been correctly deleted on the Draft

Roll. We have perused the enumeration Form and on seeing its contents, in the circumstances that the Petitioners had already shifted residence to a different Part of the constituency, are of the opinion that they could never be forced to sign the declarations to the Enumeration Form, as they would obviously be false declarations. In the circumstances faced by the Petitioners therefore, the only option open to them was to file Form 8 which is what they did.

In **Association of Democratic Reforms** (supra), the Supreme Court has considered in detail the provisions of the RP Act and the Rules and have specifically held in paragraph 44 thereof, after considering the statutory requirement of recording reasons for deletion of names highlighted that no deletions shall take place without the Electoral Registration Officer/Assistant Electoral Registration Officer conducting an inquiry and giving a fair and reasonable opportunity to the concerned person, after which a person may either be included or deleted. The Supreme court has also recognized an aggrieved person's right to file an appeal against such decisions. The relevant paragraphs are quoted below:

> *"E.1.2 Statutory Requirement of Recording Reasons*
>
> *44. Section 21(3) mandates for reasons to be recorded by the Commission while directing a special revision of the Electoral Roll Petitioners have argued that such reasons*

must be germane to the exercise and that the Commission lacked cogent justifications for initiating such SIR process a few months before the State Legislative assembly elections in Bihar. However, a reading of the Impugned Order dated 24.06.2025 reveals that the Commission has recorded the basis on which it decided to conduct a special intensive revision.

45. In Clause 7 of the Impugned Order, the Commission notes that the Electoral Roll has significantly changed in the last 20 years since the previous intensive revision conducted by the Commission in 2003. Such changes have been due to rapid urbanisation and frequent migration on account of education, livelihood and other reasons. Another reason stated is the possibility of repeated entries having increased because voters shifted their residence without getting their name deleted from the Electoral Roll of their earlier residence. In Clause 8, the Commission asserts its constitutional obligation under Article 326 to ensure that those who are present on Electoral Rolls are Indian citizens. Clause 9 acknowledges the Commission's power under Section 21 to direct a special intensive revision. Cluse 11 includes a clause to declare Electoral Roll of 2003 as probative evidence of eligibility including presumption of citizen, unless some other input is received However, persons not recorded in the Electoral Roll of 2003 were required to submit a document out of the listed government documents for establishing their eligibility as per Clause 12. Lastly, Clauses 13, 14 and 15 tersely provide the procedure to be followed for conducting the impugned exercise:

a. All voters existing on the rolls published on 06.01.2025 pursuant to the earlier Special Summary Revision would receive a pre-filled enumeration form.

b. Its submission before 25th July, 2025 will lead to inclusion in the draft roll If the same was not submitted before the stipulated date, the voter's name will not be included in the draft roll

c. Personnel of the roll revision machinery and deployed volunteers must ensure that there is no harassment of vulnerable groups such as the old, sick, poor and specially abled.

d. No deletion shall take place without the Elector Registration Officer/Assistant Elector Registration Officer conducting an enquiry and giving a fair and reasonable opportunity to the concerned person. Thereafter, a person may either be included or deleted

e. An aggrieved person can file an appeal before the District Magistrate order Section 24(a) of the RP Act read with Rule 27 of the 1960 Rules within the stipulated time. A further aggrieved person can file a second appeal before the Chief Electoral Officer under Section 24(b) of the 195 Act read with Rule 27 of the 1960 Rules.

f. Any new voter was required to submit Form 6 along with a Declaration Form in Annexure D of the Impugned Order."

37. This is precisely the reason why we have held that the impugned orders are in breach of these directions. Whilst upholding the Guidelines brought into effect for the SIR, the Supreme Court has

clearly reiterated that the provisions of the Act and the Rules must be adhered to. This has been observed whilst considering the contention that the SIR exercise had diluted the safeguards and the Rule 21A of the Rules in the following manner:

> *"126. The Petitioner(s) have also sought to contend that the Impugned SIR exercise has diluted the safeguards embedded in Rule 21A of the 1960 Rules. It was submitted that Rule 21A embodies a mandatory procedural safeguard, requiring that no name already entered in the Electoral Roll can be deleted without prior notice to the elector concerned and an opportunity of hearing.*
>
> *127. According to the Petitioner(s), the Impugned exercise deParts from this requirement by permitting exclusion of existing electors merely on account of non-submission of the enumeration form, without issuance of individual notice. It was further urged that even where forms are submitted, the absence of clear and objective standards for scrutiny enables arbitrary exclusion, Particularly when inclusion itself is premised on self-declaration.*
>
> *128. The Commission, on the other hand, has relied on the SIR Guidelines to contend that the requirement of notice and a hearing is not dispensed with but is incorporated into the structured process of the revision. It was also pointed out that upon publication of the Draft Electoral Roll, a period of claims and objections is provided, during which the eligibility of electors is scrutinized. In cases where doubt arises, the Electoral Registration Officer is obligated to initiate a suo motu enquiry and issue notice to the concerned elector before taking a decision. The process also envisaged a public disclosure of claims and objections and provides for appellate remedies under Section 24 of the RP Act.*
>
> *129. Having considered the rival submissions, the issue that arises for our consideration is whether the procedure adopted under the Impugned SIR while removing the name of electors is in derogation of the safeguards embodied in Rule 21A of 1960 Rules.*

130. Rule 21A of the 1960 Rules delineates the procedure to be followed where the ERO forms an opinion, before final publication of the roll, that certain entries are liable to be deleted on account of ineligibility, error, or change in status. The Rule mandates, in the first instance, the preparation of a list of such electors proposed to be deleted, followed by its publication, along with a notice specifying the time and place at which the question of deletion shall be considered. It further contemplates an opportunity for affected persons to submit objections, whether oral or in writing, which are to be duly considered before any decision is taken. Crucially, the proviso engrafts an additional safeguard by requiring that, wherever the proposed deletion is founded on grounds such as non-residence or ineligibility, the concerned elector must, as far as practicable, be afforded a reasonable opportunity to show cause against such action.

131. The said Rule, in essence, prescribes that no name already entered in the Electoral Roll shall be deleted without prior notice to the concerned elector and without affording an opportunity of hearing. The question, therefore, is whether the SIR framework dispenses with these safeguards, or whether it incorporates them in substance, albeit through a structured process.

132. A close reading of the SIR Guidelines indicates that the process commences with a comprehensive house-to-house enumeration, wherein each existing elector is provided with a pre-filled Enumeration Form and is guided in its completion. Paragraphs 3 (b) and (c) of the Guidelines further require Booth Level Officers to make repeated visits in cases where electors are not available, thereby ensuring that the exercise is not reduced to a one-time or perfunctory attempt. This stage, in effect, serves as the initial point of engagement with the elector, ensuring awareness and Participation in the revision process.

133. The procedural framework is further strengthened by the requirement under Paragraphs 3 (e) and (f) of the Guidelines, which provides that each elector submit the Enumeration Form along with the requisite information and documents, coupled with an acknowledgement mechanism evidencing receipt.

134. The preparation of the Draft Electoral Roll marks the next stage. Paragraph 4(b) of the Guidelines provides that the draft roll shall include the names of all electors who have submitted their Enumeration Forms, while those in respect of whom forms have not been received are not included at this stage. It is of significance that such non-inclusion is not tantamount to a final deletion, but is only a provisional step, preceding the statutory process of claims and objections.

135. The heart of the procedural safeguard lies in the claims and objections stage. Paragraph 5 (a) of the Guidelines mandates that the ERO shall scrutinise the eligibility of electors in accordance with the constitutional and statutory requirements. This ensures that the enquiry into eligibility remains anchored within the framework of the RP Act.

136. More importantly, in cases where the ERO entertains any doubt regarding the eligibility of an elector, Paragraph 5(b) of the Guidelines mandates the initiation of a suo motu enquiry and the issuance of notice to the concerned elector, calling upon them to show cause. ***This requirement directly incorporates the essence of Rule 21A of the 1960 Rules, ensuring that no adverse decision is taken without prior notice and an opportunity of hearing.*** *The Guidelines further contemplate that the ERO shall arrive at a determination based on field verification and documentary material, and shall pass a reasoned or speaking order in each case. Such an onerous duty serves as an important check against arbitrariness and ensures that the exercise of power is both transparent and accountable.*

..

..

152. In that context, the prescription of a set of documents operates as a tool to ensure administrative consistency and evidentiary reliability. It is neither practicable nor desirable for the verification process to be left entirely unguided or subjective. It is true that Form 6, as prescribed under the Registration of Electors Rules, 1960, sets out a framework of documentation;

however, the same is tailored to the process of revision contemplated under Section 21 (2) of the RP Act and may not, in all situations, be capable of literal application to an exercise of the present nature. The Commission, therefore, retains a degree of residual authority to formulate an appropriate documentation framework suited to the exigencies of a Special Intensive Revision. Such authority, however, is not unbounded. In devising such a framework, the Commission must remain cognisant of the existing statutory scheme, and any deParture therefrom must be informed by a rational nexus to the object sought to be achieved.

The formulation of the documentation regime must thus reflect a calibrated balance in drawing from the statutory framework, while adapting it, where necessary, to effectively serve the purpose of ensuring the accuracy and integrity of the Electoral Roll."

38. Having considered the view taken by the Supreme Court in **Association of Democratic Reforms** (supra) upholding the Guidelines issued by the ECI for conducting the SIR, we would also have to examine whether the conduct of insistence by the ERO and the BLO on the Petitioners submitting the Enumeration Form along with Form 6 under the Rules with the Declaration Form Annexure D to the Guidelines was justified. As discussed by us in the previous paragraphs, Form 6 was certainly not the Form to be submitted by the Petitioners in the circumstances that they had shifted residence from one Part to another Part of the same constituency. They could only

submit Form 8, as prescribed by Rule 13 and Section 22, for that purpose. Annexure D to the Guidelines, a Declaration Form to be furnished by an applicant, has been prescribed, for submission, both, in Form 6 and Form 8. The Enumeration Form which is at Annexure C to the Guidelines apart from the usual disclosures of citizenship requires a Declaration that the applicant applies for inclusion in the Electoral Roll, and his name is not included in any other Assembly or Parliamentary Constituency. A host of documents to be submitted along with the Enumeration Form are specified therein which include documents for self. The applicant is required to provide documents for himself and for his father and mother from the list given in the Form, to establish his date of birth and place of birth.

39. What is pertinent is that the Enumeration Form is a pre-filled Form containing the details of the voter in relation to the house/place of residence where his name exists in that Part according to the last Electoral Roll. If the voter, during the SIR is found present at that address, the BLO submits the pre-filled Enumeration Form to the voter and takes his Declaration thereon with all the prescribed documents, on the basis of which the Draft Electoral Roll for the constituency is prepared. This process is borne out from paragraphs 11 and 12 of the Affidavit of the Chief Electoral Officer of the State.

40. From the system followed under the SIR, there is no provision made at all for a blank enumeration Form (not pre-filled with the address details of the applicant). The voter who has shifted from one residence to another whether within the constituency or to a different constituency, in regular course would have to submit Form 8 to the ERO of the constituency to which he has moved residence. Form 8 as prescribed under the Rules contains all the details of residence and citizenship, as are prescribed, on the basis of which the Electoral Roll of the new Part or constituency for that voter can be corrected after passing necessary orders on such Form.

41. In the present case, the BLO, as recorded in paragraph 12 of the Affidavit, has refused to hand over the pre-filled Enumeration Form to the Petitioners on the pretext that the Form can be delivered only at the address recorded in the existing Electoral Roll. Even if the Petitioners were given this Form, they would be obviously filing a false declaration, since the Form contained their pre-filled previous address from where they had shifted residence. There was no system by which a blank form (not pre-filled) could be furnished to the Petitioners at their new residence. The insistence on the Petitioners filing Form 6 by the BLO/ERO as stated in paragraph 21 and 23 of

the Affidavit in reply, in our opinion is completely misplaced for reasons given the preceding paragraph. According to us, the Declarations that the Petitioner was called upon to give, in the pre-filled Enumeration Form or in Form 6 or in the Form provided in the Annexure D to the SIR would all result in the same being false and rendering the Petitioners open to prosecution for offences punishable under Section 31 of the RP Act.

42. We also fail to understand how during an SIR, even assuming that the Guidelines issued are to an extent to be followed by the EROs, there could be an insistence and freezing of the system, during the period kept for objections to the Draft Roll, that Form 8, correctly filed by the Petitioners, would not be entertained. In fact, we have taken note that Form 8 was filed on 12.11.2025, and uploaded to the portal on 08.12.2025 by the BLO, within the time specified for objections. From the communication dated 20.02.2026, issued by the AERO to the DEO, it has been recorded that claims under Form 8 were taken up for processing on 16.12.2026, after publication of the Draft Roll and whilst processing the Form, errors were reflected in cases of Form 8 as “no record to EPIC details was found”, hence, the Forms could not be processed. The communication also records that for reasons the ERONET login provided only one available option which was to

"reject". In this scenario, the ERO did not immediately reject the Form 8 within the outer time limit of objections, i.e. 19.01.2026, but rejected it on 21.01.2026, after the window period for raising objections and claims expired. No reason is assigned why Form 8 of the Petitioners was not dealt with at least after 19.01.2026, in its physical form, by overriding the system. The ERO has not assigned any reason for rejecting Form 8 for the Petitioners not being eligible to be enrolled as voters at their new residence.

43. During course of hearing this matter, it was argued by the learned Counsel for the Election Commission that this Court ought not to hear this matter, and keep this Petition in abeyance until the pending matter before the Supreme Court dealing with challenges to the SIR in various States are decided. Reliance is placed on an order dated 11.11.2025 passed by the Supreme Court in ***Dola Sen*** *(supra)*, requesting the jurisdictional high court to keep in abeyance and defer writ proceedings touching the validity of the SIR Rolls in the respective States. Reliance was also placed on an order of the divisional bench presided by Hon'ble Chief Justice of Bombay High Court in Writ Petition no.12945 of 2026 in ***Sagar Ramesh Gawai*** (supra) which in turn refers to the aforementioned order in ***Dola Sen*** (supra); according to the ECI, since the Bombay High Court has in

Sagar Ramesh Gawai (supra), which was a Petition seeking directions to the Election Commission of India to quash and set aside the SIR directions issued for the State of Maharashtra, this Court should also stay its hands from deciding this Petition.

44. We are mindful of the directions of the Supreme Court in **Dola Sen** (supra), and the basis on which this Court in ***Sagar Ramesh Gawai*** (supra) has issued directions to defer the hearing of that Petition. Both, in ***Dola Sen*** (supra) and in ***Sagar Ramesh Gawai*** (supra), the challenge was to the SIR being conducted in certain States, and in that view of the matter to avoid conflicting decisions, such directions were issued.

In the present case, the Petitioners have not thrown any challenge to the SIR or Guidelines issued by the ECI and have proceeded on the basis that the SIR has been completed in Goa. The only challenge in this Petition is to the order of the ERO rejecting the Petitioners' Form 8 and further challenge to the First Appellate and Second Appellate orders refusing to include the Petitioners' name in the Electoral Roll for Part 25 of Santa Cruz constituency. The challenge is based on the grounds which have been addressed by us in the preceding paragraphs. For these reasons also, we have declined to keep this matter in abeyance, since it would affect the Petitioners valuable right

to be included in the Electoral Roll for Part 25 of Santa Cruz constituency. Consequently, for all the reasons stated above, we allow this Petition and make Rule absolute in terms of prayer clause (a) of the Petition. We issue a writ of mandamus in terms of prayer clause (b) of the Petition and direct the ERO of Santa Cruz Constituency, i.e .Respondent No.4, to include the names of the Petitioners in Part 25 of Santa Cruz Constituency after confirming their residence, within a period of ten days from the passing of this order. In the facts of the case there shall be no order as to costs.

AMIT S. JAMSANDEKAR, J. **VALMIKI MENEZES, J.**

45. At this stage, Mr Agni, learned Counsel appearing for the Election Commission of India has sought stay of the operation of this order for a period of at least 2 weeks, to permit Election Commission of India to assail correctness of this Judgment before the Hon'ble Supreme Court. We decline to stay the directions given in this order since they pertain to the inclusion of the names of the Petitioners as voters in the voting list. Request is rejected.

AMIT S. JAMSANDEKAR, J. **VALMIKI MENEZES, J.**

Signed by: MARIA SUZANA REBELLO
Designation: Personal Assistant
Date: 05/11/2026 17:44:25