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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3243-2025

Date of decision: 14.01.2026

Bhagwant Singh

...Petitioner

Versus

Presiding Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Manish Kumar Singla, Advocate and
Ms. Bhoomika, Advocate and
Mr. Kuljinder Singh, Advocate for the petitioner.

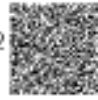
Mr. Sandeep Singh, AAG, Punjab
for respondent Nos.1 and 2.

Mr. Gaurav Datta, Advocate and
Ms. Srishti S. Sharma, Advocate and
Mr. K.P.S. Dhaliwal, Advocate for respondent No.3.

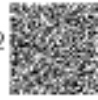
VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 20.05.2025 passed by respondent No.1 and for staying the further proceedings of the case i.e., File No.08/Election dated 21.11.2024 titled as “Darshan Singh Vs. Presiding Officer and another” pending before respondent No.1.

2. On 28.05.2025, this Court was pleased to issue notice of motion and granted stay of further proceedings. Relevant portion of the said order is reproduced hereinbelow:-



*“Inter alia, contends that in the present case, the election petition has been presented through counsel and for the said purpose has referred to the zimni order dated 21.11.2024. It is submitted that even on 12.12.2024, respondent No.3/election petitioner had not appeared in person and the limitation for filing the election petition had elapsed on 29.11.2024 as the election had taken place on 15.10.2024. It is further submitted that thus, in the said circumstances, there was violation of Section 76(1) of the Punjab State Election Commission Act, 1994 and the petition was required to be rejected summarily under Section 80(1) of the said Act. In support of his arguments, learned counsel for the petitioner has relied upon a judgment of the Co-ordinate Bench of this Court in the case of “**Manjit Kaur Vs. Deputy Commissioner-cum-Election Tribunal, Fatehgarh Sahib, and others**”, reported as 2010(4) R.C.R. (Civil) 784. It is stated that the said objection was specifically raised but in the impugned order, no valid reason has been given for rejecting of the same and the application filed by the petitioner was rejected without giving any reasons. It is further stated that even the verification in the present case is not in consonance with Order 6 Rule 15 CPC and a perusal of the judgment in the case of Manjit Kaur (supra) would show that as per the laid down by the Hon'ble Supreme Court, it was incumbent upon the election petitioner to have verified the election petition strictly in terms of Order 6 Rule 15 CPC. It is submitted that in the present case, although election petition has been stated to have been presented on 21.11.2024 but the election petition itself is dated 25.11.2024 and even the affidavit in support of the said election petition is dated 25.11.2024 and are subsequent to the date of presentation. It is argued that even the security fee was paid on 27.11.2024 and thus, the date on which the election petition was presented and notice was*



issued i.e. 21.11.2024, the election petition cannot be stated to be complete in all respects.

Notice of motion for 21.07.2025.

Mr. Surya Kumar, AAG, Punjab, appears and accepts notice on behalf of respondents No.1 and 2 and waives service.

Liberty is granted to the petitioner to serve respondent No.3 through dasti process as well as the counsel representing him before the Election Tribunal.

Further proceedings before the Election Tribunal shall remain stayed.

To be taken up after the urgent matters.”

3. Learned counsel for the petitioner has submitted that all the said contentions were duly raised and most of the said contentions were noticed in the impugned order but none of the contentions have been dealt by the Election Tribunal, Amloh. It is submitted that at any rate, the impugned order deserves to be set aside and the Election Tribunal, Amloh, be directed to decide the application filed by the petitioner (Annexure P-2) after taking into consideration the arguments raised on behalf of the petitioner and after recording due reasons.

4. Learned counsel for the respondents have submitted that in case impugned order is to be set aside and the matter is to be decided afresh by the Election Tribunal, Amloh then the Election Tribunal, Amloh, would also hear the respondents and consider the arguments raised on behalf of respondents also.

5. This Court has heard learned counsel for the parties and has perused the paper book.

6. The impugned order dated 20.05.2025 which had been passed



by the Election Tribunal, is reproduced hereinbelow:-

“Dated: 21-11-2024

Today this election petition has been presented by Sh. Inderjit Verma Advocate. Be entered in the register. Respondents be summoned for 12-12-2024.

Sd/-Election Tribunal Amloh

Dated: 20-05-2025

Present: Counsel for the parties.

File presented. Case called. Counsel for the parties came present in the court. Counsels for the parties argued on application dated 21-03-2025. Counsel for the respondent party has argued that the petitioner himself has not filed the present petition, in this court and hence the same is in violation of Sections 76 (1) and 80(1). The present petition has been filed by the counsel for the petitioner and even the provisions of Sections 76(1), 77 and 103 have not been complied with. It is also argued that if the petition filed by the petitioner does not comply with the above said provisions then as per Section 80 of the Punjab State Election Commission Act 1994, the same is liable to be dismissed and hence the petition of the petitioner may kindly be dismissed with costs. Counsel for the petitioner argued that the petition is not liable to be dismissed, on the basis of above said facts. They have filed the petition within limitation and therefore the application dated 21-03-2025 of the respondent party be dismissed.

On the basis of record on the file and arguments of the counsels for the parties, the application dated 21-03-2025 is dismissed. File be put up for arguments on 27-05-2025.

Sd/- Election Tribunal Amloh”

7. A perusal of the above would show that the arguments raised on behalf of the petitioner have been noticed but however, no reasons have



been given as to why the application filed by the petitioner has been dismissed. It is a matter of settled law that the Courts/authorities when acting as a quasi judicial authority are required to consider the submissions made by the parties and to give reasons for either rejecting or accepting the same. The impugned order is cryptic and is non-speaking and clearly reflects the non-application of mind in deciding the application.

8. Keeping in view the abovesaid facts and circumstances, the present revision petition is partly allowed and the impugned order is set aside and the Election Tribunal, Amloh, is directed to decide the application (Annexure P-2) filed by the petitioner for dismissing the election petition afresh after hearing both the parties concerned. The said order would duly reflect the reasons for accepting/rejecting the arguments of either of the two parties.

9. It is made clear that this Court has not opined on the merits of the case and it would be open to both the parties to raise all the pleas before the Election Tribunal.

14.01.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No