



2026:DHC:4580-DB



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

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Date of Decision: 20.05.2026+ **W.P.(C) 7019/2026****SATISH KUMAR AGGARWAL**

.....Petitioner

Through: Mr. Barun Kumar Sinha, Ms. Pratibha Sinha, Mr. Sneh Vardhan and Mr. Vaibhav Singh, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Ankur Mittal, CGSC with Mr. Aviraj Pandey, Ms. Sobhya Jain, Mr. Hrithik Saxena and Ms. R. Jaiswal, Advocates for R-1/UOI.

Mr. Sanjay Vashishtha, SC with Mr. Siddhartha Goswami, Mr. Ashish Shukla, Mr. Aditya Sachdeva and Mr. Krish Bhatia, Advocates for R-2/ECI.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****DEVENDRA KUMAR UPADHYAYA, CJ(ORAL)**

1. Heard Mr. Barun Kumar Sinha, learned Counsel representing the Petitioner, Mr. Ankur Mittal, learned Counsel representing Respondent No.1 / Union of India and Mr. Sanjay Vashishtha, learned Counsel representing Respondent No. 2 / Election Commission of India.

2. Jurisdiction of this Court under Article 226 of the Constitution of India, 1950 ("**Constitution**") has been sought to be invoked ostensibly in public interest by instituting the proceedings of this Petition under Article 226 of the Constitution with the following prayers:-



“(i) To issue a writ of mandamus commanding Respondent No. 2, i.e. the Election Commission of India, to deregister Respondent No. 3 political party, i.e. the Aam Aadmi Party, for violation of Section 29A(5) of the Representation of the People Act, 1951;

(ii) To direct Respondent No. 2 to declare Respondent Nos. 4 to 6 disqualified from contesting elections to either the Parliament or the Assembly;

(iii) To pass such other or further order as this Hon’ble Court may deem fit and proper facts and circumstances of the case.”

3. A perusal of the prayer clause of the Writ Petition, thus, reveals that a direction has been sought to be issued to Respondent No. 2 / Election Commission of India (“**Election Commission**”) to deregister Respondent No. 3, a political party for violation of the provisions contained in Section 29-A(5) of the Representation of the People Act, 1951 (“**R.P. Act**”).

4. The Petitioner has also sought a direction to be issued to Respondent No. 2 / Election Commission to declare Respondent Nos. 4 to 6 as disqualified from contesting elections either to the Parliament or to the State Assembly. It has been submitted by the learned Counsel for the Petitioner in support of the first prayer that in terms of the provisions contained in Section 29-A of the R.P. Act, any application made by an association seeking registration as a political party has to accompany a copy of the memorandum or rules and regulations of the said association and such memorandum or rules and regulations shall contain a specific provision that the association or body shall bear true faith and allegiance to the Constitution and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India. The submission is that in view of the judgment of this Court dated 20.04.2026 in



Crl.Rev.P. 134/2026, since there are certain observations made by the Court in respect of the conduct of Respondent Nos. 4 to 6, who are the members of the political party concerned, as such the political party has rendered itself disqualified to continue to be registered for violation of the provisions contained in Section 29-A(5) of the R.P. Act.

5. In respect of the other prayer, where a direction has been sought to be issued to Respondent No. 2 / Election Commission, to declare Respondent Nos. 4 to 6 as disqualified from contesting elections to either the Parliament or the State Assembly, reliance has been placed by the learned Counsel for the Petitioner on the provisions contained in Article 84(c) of the Constitution, according to which a person shall not be qualified to be a Member of Parliament unless he possesses such other qualification as may be prescribed in that regard by or under any law made by the Parliament and since as per the judgment of this Court referred to herein above, dated 20.04.2026, the Respondent Nos. 4 to 6 have incurred disqualification in terms of Section 29-A(5) of the R.P. Act, a declaration needs to be made by Respondent No. 2 / Election Commission of India that these private Respondents are not qualified to contest the elections to Parliament or to the State Assembly.

6. Having heard the learned Counsel for the Parties, we are of the considered opinion that for the reasons which follow, the Writ Petition is highly misconceived.

7. Registration of political parties and the matters connected thereto are governed by Part IVA of the R.P. Act. Section 29-A of the R.P. Act provides for registration of any association or body of individual citizens



with the Election Commission, according to which, any such association calling itself a political party and intending to avail itself of the provisions of Part IVA of the R.P. Act, will be required to make an application to the Election Commission for its registration as a political party for the purposes of the R.P. Act.

8. Sub-section 2 of Section 29-A of the R.P. Act requires that such an application has to be made by an association or body of individual citizens, which has been in existence at the commencement of the Representation of People (Amendment) Act, 1988 within 60 days next following such commencement and also by any other association or body of citizens, which is formed after commencement of the said amending Act, within 30 days next following the date of the formation of the association.

9. Sub-section 3 of Section 29-A of the R.P. Act requires certain formalities to be completed by the association or body of citizens seeking its registration with the Election Commission. It also sets out the particulars and informations to be supplied by the association or body of citizens seeking its registration.

10. Sub-section 5 of Section 29-A of the R.P. Act mandates that any application made by an association or body of citizens seeking its registration under sub-section 1 of Section 29-A of the R.P. Act shall necessarily be accompanied by a copy of the memorandum or rules and regulations of association and such memorandum or rules and regulations shall contain a clear provision that the association shall bear true faith and allegiance to the Constitution of India as also to the principles of socialism, secularism and democracy and that the association would uphold the



sovereignty, unity and integrity of India. Thus, so far as the registration of an association or a body of individual citizens as a political party is concerned, Section 29-A provides certain requirements to be completed, whereupon the Election Commission is permitted to call upon such other particulars as may be deemed fit from the association and after consideration of all the particulars, the Election Commission shall communicate its decision whether to register or not to register such association as a political party.

11. The issue relating to deregistration of a political party has been the subject matter of consideration by the Hon'ble Supreme Court in ***Indian National Congress (I) v. Institute of Social Welfare*** (2002) 5 SCC 685. After considering the scheme, as set out in Part IVA of the R.P. Act, the Hon'ble Supreme Court in the said case has categorically held that, ***“Deregistration of a political party is a serious matter as it involves divesting of the party of the statutory status of a registered political party. We are, therefore, of the view that unless there is express power of review conferred upon the Election Commission, the Commission has no power to entertain or enquire into the complaint of deregistering a political party for having violated the constitutional provisions.”***

12. The Hon'ble Supreme Court has, however, carved out three exceptions, where the Election Commission can review its order registering a political party. According to the said judgment, the exceptions are:

- i. where a political party has obtained its registration by playing fraud on the Commission;



- ii. the need of deregistration arises out of sub-section (9) of Section 29-A of the R.P. Act, which provides that after an association has been registered as a political party, any change in its name, head office, office-bearers, address or in any other material matters shall be communicated to the Election Commission without delay; and
 - iii. any like ground where no enquiry is required on the part of the Election Commission, for example, where the political party concerned is declared unlawful by the Central Government under the provision of Unlawful Activities (Prevention) Act, 1967 or any other similar law.
13. Paragraph Nos. 32 and 33 of the judgment of the Hon'ble Supreme Court in ***Indian National Congress (I)*** (*supra*) are extracted below:

“32. This matter may be examined from another angle. If the directions of the High Court for considering the complaint of the respondent that some of the appellant political parties are not functioning in conformity with the provisions of Section 29-A is to be implemented, the result will be that a detailed enquiry has to be conducted where evidence may have to be adduced to substantiate or deny the allegations against the parties. Thus, a lis would arise. Then there would be two contending parties opposed to each other and the Commission has to decide the matter of deregistration of a political party. In such a situation the proceedings before the Commission would partake the character of quasi-judicial proceeding. Deregistration of a political party is a serious matter as it involves divesting of the party of the statutory status of a registered political party. We are, therefore, of the view that unless there is express power of review conferred upon the Election Commission, the Commission has no power to entertain or enquire into the complaint for deregistering a political party for having violated the constitutional provisions.”



33. However, there are three exceptions where the Commission can review its order registering a political party. One is where a political party obtained its registration by playing fraud on the Commission, secondly, it arises out of sub-section (9) of Section 29-A of the Act and thirdly, any like ground where no enquiry is called for on the part of the Election Commission, for example, where the political party concerned is declared unlawful by the Central Government under the provision of the Unlawful Activities (Prevention) Act, 1967 or any other similar law.”

14. Summing up the power of the Election Commission in relation to derecognition of a political party, the Hon’ble Supreme Court in Paragraph No. 41 of the judgment in **Indian National Congress (I)** (*supra*) has observed as under:

“41. To sum up, what we have held in the foregoing paragraph is as under:

1. That there being no express provision in the Act or in the Symbols Order to cancel the registration of a political party, and as such no proceeding for deregistration can be taken by the Election Commission against a political party for having violated the terms of Section 29-A(5) of the Act on the complaint of the respondent.

2. The Election Commission while exercising its power to register a political party under Section 29-A of the Act, acts quasi-judicially and decision rendered by it is a quasi-judicial order and once a political party is registered, no power of review having been conferred on the Election Commission, it has no power to review the order registering a political party for having violated the provisions of the Constitution or for having committed breach of undertaking given to the Election Commission at the time of registration.

3. However, there are exceptions to the principle stated in paragraph 2 above where the Election Commission is not deprived of its power to cancel the registration. The exceptions are these:



(a) where a political party has obtained registration by practising fraud or forgery;

(b) where a registered political party amends its nomenclature of association, rules and regulations abrogating therein conforming to the provisions of Section 29-A(5) of the Act or intimating the Election Commission that it has ceased to have faith and allegiance to the Constitution of India or to the principles of socialism, secularism and democracy or it would not uphold the sovereignty, unity and integrity of India so as to comply with the provisions of Section 29-A(5) of the Act; and

(c) any like ground where no enquiry is called for on the part of the Commission.

4. The provisions of Section 21 of the General Clauses Act cannot be extended to the quasi-judicial authority. Since the Election Commission while exercising its power under Section 29-A of the Act acts quasi-judicially, the provisions of Section 21 of the General Clauses Act have no application.”

15. Accordingly, the law as settled by the Hon’ble Supreme Court in **Indian National Congress (I)** (*supra*) is that no proceeding for deregistration can be taken by the Election Commission against a political party for having violated the terms of Section 29-A(5) of the R.P. Act on the complaint of any person for the reason that there does not exist any express provision in the R.P. Act for the said purpose. It has further been observed that the Election Commission, while exercising its powers to register a political party under Section 29-A of the R.P. Act, acts as a quasi-judicial authority and the decision rendered by it is a quasi-judicial order and once a political party is registered, no power of review having been conferred on the Election Commission, the Commission does not enjoy any power to



review the order registering a political party for having violated the provisions of the Constitution or for having committed breach of any undertaking given to the Election Commission at the time of its registration.

16. The Hon'ble Supreme Court has reiterated in Paragraph No. 41 of the judgment in ***Indian National Congress (I)*** (*supra*), the three exceptions to the principle that the Election Commission does not enjoy the power of review under Section 29-A of the R.P. Act for the purposes of deregistering a political party and the exceptions, as already set out above, are:

- i. where a political party has obtained registration by practising fraud or forgery;
- ii. where a registered political party amends its nomenclature of the association, rules and regulations abrogating therein conforming to the provisions of Section 29-A(5) of the R.P. Act or intimates the Election Commission that it has ceased to have faith and allegiance to the Constitution of India or to the principles of socialism, secularism and democracy or it would not uphold the sovereignty, unity and integrity of India so as to comply with the provisions of Section 29-A(5) of the R.P. Act; and
- iii. any like ground, where no enquiry is called for on the part of the Commission.

17. Thus, if we appropriately appreciate the scheme of Section 29-A of the R.P. Act, as explained by the Hon'ble Supreme Court in ***Indian National Congress (I)*** (*supra*), what we find is that any political party once registered can be deregistered, of course only in a situation, where it is found that the registration was obtained by practising fraud on the Election



Commission. The political party can also be deregistered in case, (a) it amends its nomenclature or rules and regulations, which are not in conformity with the provisions of Section 29-A(5) of the R.P. Act and / or (b) the political party concerned intimates the Commission that it has ceased to have faith and allegiance to the Constitution of India or to the principles of socialism, secularism and democracy and that it would not uphold the sovereignty, unity and integrity of India.

18. The third situation, where deregistration can be made by the Election Commission, as enunciated by the Hon'ble Supreme Court in ***Indian National Congress (I)*** (*supra*), is any like ground where no enquiry is called for on the part of the Election Commission, such as where the political party has been declared to be unlawful under the provision of Unlawful Activities (Prevention) Act, 1967 or any other similar law.

19. The submission, on behalf of the Petitioner, in respect of prayer (a), where a direction has been sought to be issued to the Election Commission to deregister Respondent No. 3 as a political party, is that on account of certain observations made by this Court in its judgment dated 20.04.2026 passed in *Crl.Rev.P. 134/2026* against Respondent Nos. 4, 5 and 6, who are the members and officer-bearers of the political party, the Election Commission can be issued such a direction for derecognising the political party for the reason that in view of the said observations made by this Court in the aforesaid judgment, the political party has incurred derecognition as its members and officer-bearers have acted against the Constitution and, therefore, they cannot be said to continue to have allegiance to the Constitution. The submission, in fact, is that such observations made by this



Court clearly indicate that the members of Respondent No. 3, who are also the office-bearers, namely Respondent Nos. 4 to 6 are in breach and violation and abrogation of the provisions of Section 29-A(5) of the R.P. Act and, therefore, the Election Commission is fully empowered to derecognise Respondent No. 3 as a political party.

20. Such a submission, in our considered opinion, is too far-fetched. The situations, where the Election Commission can exercise its powers for derecognising a political party, has already been elaborately explained by the Hon'ble Supreme Court in *Indian National Congress (I)* (*supra*).

21. It is not a case, where the allegations in the Writ Petition are to the effect that Respondent No. 3 has obtained its registration by practising any fraud or forgery. It is also not a case, where the Petitioner pleads that Respondent No. 3 has amended its nomenclature or rules and regulations, which are not in conformity with the provisions of Section 29-A(5) of the R.P. Act. Further, we notice that it is also not a case espoused by the Petitioner that Respondent No. 3 has ever intimated the Election Commission that it has ceased to have faith and allegiance to the Constitution or to the principles of socialism, secularism and democracy or it would not uphold the sovereignty, unity and integrity of India. It is also not averred by the Petitioner that Respondent No. 3 has been declared unlawful under any legislation. Thus, so far as the situations, as elaborately set out in Paragraph No. 31 of the judgment by the Hon'ble Supreme Court in *Indian National Congress (I)* (*supra*) are concerned, no such case has been pleaded by the Petitioner.



22. The emphasis of the learned Counsel for the Petitioner is on the observations made by the Hon'ble Supreme Court in sub-paragraph No. 3(c) of Paragraph No. 41 of the judgment in ***Indian National Congress (I)*** (*supra*), where the Hon'ble Supreme Court has observed that derecognition is also permissible on any like ground, where no enquiry is called for on the part of the Commission.

23. We do not find that any such like ground has been urged in this Petition, so as to attract situation (3), as enumerated in Paragraph No. 41 of the judgment in ***Indian National Congress (I)*** (*supra*) rendered by the Hon'ble Supreme Court. Admittedly, Respondent No. 3 has not been declared unlawful under any law.

24. We are also of the opinion that any observation made by this Court in its judgment dated 20.04.2026 passed in *Crl.Rev.P. 134/2026* is to be understood to be confined only in relation to the subject matter of the said Criminal Revision Petition and not outside it.

25. At this juncture, the learned Counsel for the Petitioner has strenuously urged this Court that the manner in which Respondent Nos. 4, 5 and 6 have conducted themselves in the proceedings of the aforesaid Criminal Revision Petition, will amount to undermining the authority, majesty and dignity of this Court and, therefore, such ground will suffice for the Election Commission to consider derecognition of the political party, to which these individuals belong.

26. In our considered opinion, in a situation where any such conduct or act is found and established where any individual is found to have undermined the dignity or authority of the Court, appropriate course in law,



if the situation so warrants, is available under the Contempt of Court Act, 1971. Such observations made by this Court in its judgment dated 20.04.2026 passed in *Crl.Rev.P. 134/2026*, in our opinion, cannot be the basis of asking the Election Commission to initiate the process of derecognition of Respondent No. 3 under Section 29-A(5) of the R.P. Act. We may reiterate that the entire submission made in respect of prayer (i) of the Writ Petition is not only too far-fetched but is also highly misconceived and misplaced.

27. So far as prayer (ii) of the Writ Petition whereby a direction has been sought to be issued to the Election Commission for declaring Respondent Nos. 4 to 6 as disqualified from contesting the elections either to the Parliament or the State Assembly is concerned, we may note that much emphasis has been laid by the learned Counsel for the Petitioner upon the provisions contained in Article 84(c) of the Constitution, according to which a person shall not be qualified to be a Member of the Parliament unless he possesses such other qualification, as may be prescribed by law made by the Parliament. The submission is that since Respondent Nos. 4 to 6, in view of the judgment passed by this Court dated 20.04.2026 passed in *Crl.Rev.P. 134/2026*, do not have any allegiance to the Constitutional provisions, as such they are bereft of the qualification as prescribed by the Act of the Parliament namely, Representation of the People Act, 1951 in Section 29-A (5) of the said Act. Such submission, is again far-fetched and bereft of any consideration.

28. We may also refer to Section 7(b) of the R.P. Act, which defines the expression 'disqualified' occurring in the R.P. Act, according to which



disqualified means, '*disqualified for being chosen as, and for being, a Member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State under the provisions of Chapter III of the R.P. Act and on no other ground*'. A person convicted of certain offences, as described in Section 8 of the R.P. Act, thus, incurs disqualification either for being chosen or for being a Member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State. Sections 9, 9A, 10 and 10A of the R.P. Act also lay down certain situations, where a person incurs disqualification either for being chosen or for being a Member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

29. In the Writ Petition, no pleadings have been made seeking the prayer for issuing a direction to the Election Commission for declaring Respondent Nos. 4 to 6 as disqualified from contesting the elections to Parliament / State Assembly, in terms of the provisions, as enumerated in Sections 8, 9, 9A, 10 and 10A of the R.P. Act.

30. We may further observe that the question of disqualification from contesting the elections will arise only once any elections are held and Respondent Nos. 4 to 6 set up their candidature for such elections.

31. Even otherwise, we may reiterate that the judgment passed by this Court dated 20.04.2026 passed in *Crl.Rev.P. 134/2026*, has to be read for the purposes of the issue involved in the said Criminal Revision Petition and not for any other purpose.

32. We may also refer to certain observations made in Paragraph 35 of the judgment of the Hon'ble Supreme Court in the case of *Indian National*



Congress (I) (supra), wherein a categorical observation has been made by the Hon'ble Supreme Court that, “*The ancillary and incidental power of the Commission cannot be extended to a case where a registered political party admits that it has faith in the Constitution and principles of socialism, secularism and democracy, but some people repudiate such admission and call for an enquiry by the Election Commission, reason being, an incidental and ancillary power of a statutory authority is not the substitute of an express power of review.*”

33. There is nothing on record, which can establish that Respondent No. 3, as a political party, has anywhere admitted that it does not have faith in the Constitution or in the principles of socialism, secularism and democracy. Thus, in view of the aforesaid observations made by the Hon'ble Supreme Court in *Indian National Congress (I) (supra)*, we are not convinced with the submissions made by the learned Counsel for the Petitioner.

34. The Writ Petition, thus, is bereft of any merit, which resultantly is hereby dismissed.

35. There shall be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 20, 2026

“shailndra”/ “sms”