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

+ EL.PET. 10/2020 & I.A. 8728/2020, I.A. 11988/2020

YOGENDER CHANDOLIA

.....Petitioner

Through: Mr Arvind Kumar Gupta, Mr. C. Prakash, Mr Abhiesumat Gupta, Ms. Anushree Rawat and Mr Ashish Singh, Advocates.

versus

VISHESH RAVI & ORS.

.....Respondents

Through: Mr. Rishikesh Kumar and Ms. Sheenu Priya, Advocates.
Ms. Rohini Prasad, Ms. Ashika Ranjan, Ms. Samridhi Srivastava, Advs. for R-11

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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04.05.2026

1. The present Petition under Section 80 read with Section 100(1)(b) & (d) of Representation of People Act, 1951 (hereinafter referred to as “**RP Act**”), has been filed by the Petitioner seeking a declaration of the election of Returned Candidate / Respondent No.1 from the Assembly Constituency23, Karol Bagh (hereinafter referred to as “**AC-23**”), for the General Election, held in 2020 to the Legislative Assembly of NCT of Delhi, as null and void on the ground of false and mis-representative facts deposited in Affidavit / Form No.26 furnished by the Returned Candidate / Respondent No.1 alongwith his nomination paper, wherein, the Returned Candidate / Respondent No.1 not only deliberately furnished false averments but also concealed the material facts regarding educational



qualification with a motive not only to deceive the Returning Officer / Respondent No.13 but also induced / influence the electoral / voters of AC-23.

2. When the matter came up for hearing, elections had already been conducted for the Assembly Elections of Delhi in the year 2025. When this Court put a question to the learned Counsel for the Petitioner as to whether the present Petition has become infructuous, learned Counsel for the Petitioner submitted that non-disclosure of correct educational qualification constitutes corrupt practice as per Section 123(2) and 123(4) of the RP Act, and therefore, if found guilty, Respondent No.1 will have to face the consequence under the RP Act. Reliance was placed by the learned Counsel for the Petitioner on the Judgment passed by a Coordinate Bench of this Court in Nand Ram Bagri v. Jai Kishan & Ors., **2013 SCC OnLine Del 1826**.

3. *Per contra*, Learned Counsel for the Respondent raised a preliminary objection that non-disclosure of educational qualification will not come within the definition / ambit of corrupt practice as defined under Section 123 of the RP Act.

4. During the course of proceedings, this Court by a detailed order dated 13.01.2026, expressed disagreement with the view taken by a Coordinate Bench of this Court in Nand Ram Bagri (supra). This Court observed that Section 123 of the RP Act must be construed strictly and that furnishing false information in Form 26 does not, *prima facie*, fall within the four corners of the said provision. However, instead of declaring that the said judgment is *per incuriam*, this Court deemed it appropriate to refer the issue for authoritative pronouncement by a Larger Bench.



5. Accordingly, the matter was referred to a Division Bench to consider the correctness of the judgment in Nand Ram Bagri (supra), particularly in light of the law laid down by the Hon'ble Supreme Court in Ajmera Shyam v. Smt. Kova Lakshmi & Ors., **2025 SCC OnLine SC 1723**.

6. The Division Bench *vide* detailed order dated 24.04.2026 held as under:

“38. We are firmly of the view that while deciding an election petition, the High Court is bound by the letter of law and there is no scope of extended meaning or purposive interpretations. The High Court while deciding an election petition, as a Court or as a Tribunal, cannot traverse beyond the plain language.

39. We, therefore, hold that the case of Nand Ram Bagri (supra) has no bearing on the present set of facts, as the petitioner's case is confined to Section 123(4) of the RP Act, whereas the Nand Ram Bagri's case was more particularly under Sections 123(2), though Section 123(4) of the Act of 1951 was also under consideration.

40. We also hold that the allegation of furnishing false declaration and documents in relation to educational qualification of the candidate himself/herself does not constitute a corrupt practice within the meaning of sub Section (4) of Section 123 of the Act of 1951. And the judgment rendered in Nand Ram Bagri (supra) to the extent it holds that wrong mentioning or incorrect statement given in the nomination form is corrupt practice within meaning of Section 123(4) is not good law.

41. According to us, even if the case is tried and the allegations are found to be correct, then also, the Respondent no.1 cannot be held guilty of corrupt



practice in light of the pleadings made. Since the term of the Assembly is over and fresh elections have been held in the year 2025, the election petition is liable to be declared infructuous.”

7. The Division Bench concluded has thus concluded that even if the allegations in the present petition were to be accepted as correct, no case of “corrupt practice” would be made out and considering that the term of the Assembly elected in 2020 has expired and fresh elections have already been conducted in 2025, the petition was held to have become infructuous.

8. In view of the authoritative pronouncement of the Division Bench and the fact that the tenure of the Assembly in question has come to an end, no further adjudication survives in the present petition.

9. Accordingly, the present Election Petition is declared infructuous and is disposed of as such.

10. This Court has further not made any observations regarding any proceedings pending under Section 125A of the RP Act which is outside the ambit of the present proceedings.

SUBRAMONIUM PRASAD, J

MAY 4, 2026
JR