



Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 33595 OF 2024

Aakifahmed Dafedar

...Petitioner

Versus

Election Commission of India & Ors

Respondents

*Mr Sayed Ali Hasan, with Imran Ansari, for the Petitioner.**Mr Akshay Shinde, for the Respondent-Election Commission of India.*

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ARIF S. DOCTOR &

SOMASEKHAR SUNDARESAN, JJ

DATED.

4th November 2024.

PC:-

1. By way of the present Petition, the Petitioner has impugned the rejection of the Petitioner's nomination by Respondent No. 1, i.e., Election Commission of India. Learned Counsel appearing on behalf of the Petitioner submits that the Petitioner had originally submitted the nomination on 29th October 2024. However, since the same contained certain blanks, the Petitioner was orally directed to resubmit the nomination after filling in the said blanks on or before 11.45 am on 30th October 2024. He submitted that, however, when the Petitioner went to resubmit the nomination on 30th October 2024, the same was rejected as being filed beyond time.

2. At the outset, Mr Shinde, raised an objection to the very maintainability of this Petition by submitting that the Petitioner would

have to file an Election Petition and not a Writ Petition. He then on merits submitted that the Petitioner's nomination was rejected since the same was filed after commencement of the time prescribed for scrutiny, i.e., 11.00 am on 30th October 2024. He tendered a copy of a receipt of the nomination form, which states that the scrutiny will commence from 11.00 am on 30th October 2024 and thus, the Petitioner was fully aware that any valid nomination would have to be filed before this time.

3. He further submits that this is not the only case where a nomination has been rejected since the same was filed after 11.00 am on the 30th of October 2024, but there were several cases across the State of Maharashtra where the nominations had been rejected on the same ground.

4. Let a short Affidavit placing the above facts be filed by tomorrow, 5th November 2024, keeping open the Respondents' objection of maintainability.

5. List the matter tomorrow, 5th November 2024.

6. All undertakings in respect of Court fees and translations are accepted.

7. All concerned to act on an authenticated copy of this order.

(SOMASEKHAR SUNDARESAN, J)

(ARIF S. DOCTOR, J)