

ITEM NO.4

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).4248/2024

(Arising out of impugned final judgment and order dated 06-02-2024 in DC No.2/2023 passed by the Hon'Ble Election Commission of India)

SHARAD PAWAR

Petitioner(s)

VERSUS

AJIT ANANTRAO PAWAR & ANR.

Respondent(s)

IA No.60685/2024 - GRANT OF INTERIM RELIEF

Date : 19-03-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Muhammad Ali Khan, Adv.
Mr. Pranjal Agarwal, Adv.
Mr. Amit Bhandari, Adv.
Mr. Omar Hoda, Adv.
Ms. Eesha Bakshi, Adv.
Mr. Uday Bhatia, Adv.
Mr. Kamran Khan, Adv.
Mr. Arjun Sharma, Adv.
Mr. Prashant Pratap Singh, Adv.
Mr. Abishek Jebaraj, AOR
Ms. A. Reyna Shruti, Adv.
Mr. D.P.Singh, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Maninder Singh, Sr. Adv.
Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Abhikalp Pratap Singh, AOR
Mr. Shrirang Varma, Adv.
Ms. Devanshi Singh, Adv.
Ms. Yamini Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Kartikey, Adv.
Mr. Ravi Shankar Pandey, Adv.
Mr. Dhruv Sharma, Adv.
Ms. Pracheta Kar, Adv.
Mr. Ajay Sabharwal, Adv.

Mr. Ankit Agarwal, AOR
Mr. Atul Raj, Adv.
Mr. Ashish Shukla, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No.60685/2024

1. The instant application has been moved by the applicant/petitioner seeking the following interim reliefs:

“(a) Restrain Respondent No. 1 (and his supporters), from using the Party Name, “Nationalist Congress Party,” or “NCP,” for the purposes of the Election Symbol (Registration and Allotment) Order, 1968;

(b) Restrain Respondent No. 1 (and his supporters), from using the “Clock,” as an election symbols for the purposes of the Election Symbol (Registration and Allotment) Order, 1968;

(c) Pass such other/further order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. We have heard Dr. Abhishek Manu Singhvi, learned Senior Counsel for the applicant/petitioner and Mr. Mukul Rohatgi, along with Mr. Neeraj Kishan Kaul, Mr. Maninder Singh and Mr. Siddharth Bhatnagar, learned Senior Counsel(s) for the non-applicant(s)/respondents at a considerable length and carefully perused the material placed on record.

3. In continuation of the interim directions issued on 19.02.2024, we dispose of this application subject to the final outcome of these proceedings with the following interim directions:

(i) In deference to the order dated 14.03.2024, respondent No.1 has filed an affidavit dated 16.03.2024 and in para 9(a) thereof, the following undertaking has been given:

"9(a). The Respondent has duly instructed the rank and file of the party to refrain from using the photographs or name of Sh. Sharad Pawar on any poster/banner of Nationalist Congress Party. The members of the party have been duly apprised of the Judgment of the ECI and the result/outcome thereof. A communication/notice issued by Shri Sunil Tatkare, State President, NCP Maharashtra is annexed herewith and marked as ANNEXURE P-3."

Along with the aforesaid undertaking, a communication dated 15.03.2024 issued by the Regional President of the Nationalist Congress Party, Maharashtra Pradesh has also been appended, which reads as follows:

"Nationalist Congress Party

Maharashtra Pradesh

Outward No.:456

Dt: 15.03.2024

Greetings,

We all know that the National President of our party is Hon'ble Mr. Ajit Dada Pawar. Hon'ble Mr. Ajitdada's photo should be used for official posters, banners or advertisements of the party in party programs or other places. Photo or name of Hon'ble Mr. Sharad Chandra Pawar should not be used. The position of our party in this regard should be immediately informed to all the taluka presidents, city presidents and office bearers.

Sd/-
Sunil Tatkare
(Regional President)

The aforesaid undertaking along with letter dated 15.03.2024 are made part of this order.

(ii) We further direct that the undertaking given by respondent No.1 shall be with respect to all the States and shall not be confined to Maharashtra Pradesh only. Respondent

No.1 is, accordingly, directed to issue a communication similar to one dated 15.03.2024, as reproduced above, which shall be applicable in all other States.

(iii) It is directed that the applicant/petitioner shall be entitled to use the name "Nationalist Congress Party - Sharadchandra Pawar" for the purpose of contesting the ensuing Parliamentary and State Assembly Elections along with the symbol of "Man Blowing Turha". Consequently, the Election Commission of India as well as all the State Election Commissions are directed to provisionally recognise the "Nationalist Congress Party - Sharadchandra Pawar" along with the "Man Blowing Turha" as a reserved symbol for that political party.

(iv) The "Man Blowing Turha" symbol shall not be allotted to any other political party or an independent candidate, and the same shall not be used in any manner by the respondents to set up their candidates for the ensuing elections.

(v) The State Election Commission of Maharashtra shall comply with the above-stated directions forthwith.

(vi) The respondents are further directed to issue a public notice in the newspapers with Marathi, Hindi and English editions, notifying that the allocation of the "clock" symbol is *sub-judice* before this Court and the respondents have been permitted to use the same subject to the final outcome of these proceedings. Such a declaration shall be incorporated in every pamphlet, advertisement, audio, or video clips to be issued on behalf of the respondents.

4. Counter affidavit to the main petition may be filed within four weeks.
5. Rejoinder, if any, be filed within two weeks thereafter.
6. Post the main case for hearing on 14.05.2024.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)