

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 3894/2025

[Arising out of impugned judgment and order dated 10-01-2025 in CWP No. 388/2025 (O&M) passed by the High Court of Punjab & Haryana at Chandigarh]

SEEMA SHARMA & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(IA No. 35385/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 128350/2025 - INTERVENTION/IMPLEADMENT, IA No. 101978/2025 - INTERVENTION/IMPLEADMENT, IA No. 101119/2025 - INTERVENTION/IMPLEADMENT and IA No. 35386/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 30666/2024 (IV-D)

(IA No. 11923/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 296734/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 296739/2024 - EXEMPTION FROM FILING O.T., IA No. 299113/2024 - INTERVENTION APPLICATION, IA No. 52400/2025 - INTERVENTION/IMPLEADMENT, IA No. 12280/2025 - INTERVENTION/IMPLEADMENT, IA No. 11919/2025 - INTERVENTION/IMPLEADMENT, IA No. 296736/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 47155/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 3838/2025 (IV-D)

(IA No. 29501/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 9646/2025 (IV-D)

(IA No. 57380/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 57378/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/...))

SLP(C) No. 5113-5115/2026 (IV-B)

(IA No. 9831/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 9833/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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NITIN TALWAR
Date: 2026.10.07
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Reason: I am the author

Date : 28-09-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Randeep Singh Bains, Adv.
Mr. Aurn Kumar Kaundal, Adv.
Mr. Inder Dev, Adv.
Mr. Dharampal, Adv.
Mr. Sundershan Thakur, Adv.
Mr. Rakeshinder Sidhu, Adv.
Mrs. Reeta Dewan Puri, Adv.
Ms. Smriti Puri, Adv.
Mr. P. N. Puri- 498, AOR

Mr. S Sriram, Sr. Adv.
Mr. Harneet Singh, Adv.
Mr. Harish Malik, Adv.
Mr. Kushal Bhattacharjee, Adv.
Mr. Alok Tripathi- 2962, AOR

Ms. Pallvi Hooda, Adv.
Mr. Yuvraj Nandal, Adv.
Mr. Shiv Bhatnagar, Adv.
Mr. Tejbir Singh Hundal, Adv.
Dr. Surender Singh Hooda- 2261, AOR
Mr. Ananda Krishna, Adv.
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For Respondent(s) :Ms. Ankita Gautam- 3714, AOR
Dr. A. K. Gautam, Adv.
Mr. Abhishek Sharma, Adv.
Mr. Harsh Gautam, Adv.
Mr. Manit Walia, Adv.
Mr. Sawai Sharma, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Maninderjit Singh Bedi, Sr. Adv, AG
Mr. Vivek Jain, A.A.G.
Mr. Rajat Bhardwaj, A.A.G.
Mr. Karan Sharma- 3081, AOR

Mr. Amit Rawal, Sr. Adv.
Mr. Harshit Khanduja, AOR
Mr. Pulkit Shree, Adv.
Ms. Sujal Gupta, Adv.
Mr. Pulkit Khanduja, Adv.
Mr. Vasu Pandit, Adv.
Mr. Varun Sharma, Adv.

Ms. Nupur Kumar- 3078, AOR

Mr. Shadan Farasat, Sr. Adv.

Mr. Siddhant Sharma- 3228, AOR
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Mr. Harsh Gautam, Adv.
Mr. Manit Walia, Adv.
Mr. Sawai Sharma, Adv.

Mr. Aakash Nandolia- 3496, AOR

Mr. Varun Dev Mishra- 3161 , AOR
Ms. Vishakha- 3831, AOR

Mr. A Velan, AOR
Ms. Navpreet Kaur, Adv.
Mr. Prince Singh, Adv.
Mr. Nilay Rai, Adv.
Mr. Rashik Hameed Mukilan M, Adv.
Mr. Yashvardhan Chauhan, Adv.
Ms. Anoop Tiwari, Adv.

Mr. Lalit Sharma, Adv.
Mr. Yogesh Bastta, Adv.
Mr. Anurag Sharma, Adv.
Ms. Kshirja Agarwal- 4304, AOR

Mr. Jasdeep Singh Dhillon, Adv.
Mr. Harpreet Singh Multani, Adv.
Mr. Prabhat Chaurasia, Adv.
Ms. Amanat Kaur Chahal, Adv.
Ms. R.k.batra, Adv.
Mr. Hds Bains, Adv.
Mr. Abhay Mann, Adv.
Mr. Daleep Singh, Adv.
Mr. Aditya Bajaj, Adv.
M/S. Mps Legal- 3650, AOR

Mr. Jasbir Singh Malik, Adv.
Ms. Sri Pragnya A, Adv.
Ms. Prachi Sohi, Adv.
Ms. Niharika Singh, Adv.
Mr. Varun Punia- 2345, AOR

Mr. Chritarth Palli- 3235, AOR
Mr. Rajat Gupta, Adv.
Mr. Agam Agarwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Permission to file Special Leave Petition is granted.
2. The instant Special Leave Petitions concern the elections for the posts of Councillors/Members of the Municipal Corporations, Municipal Councils, and Nagar Panchayats in the State of Punjab.
3. The Petitioners are associated with different National/State Political Parties and have approached this court, *inter alia*, alleging that: (i) Members of the ruling party, police officials, and unknown third-parties prevented them from submitting their nomination forms, including by physical assault, tearing of clothes, and snatching of the nomination papers; (ii) The entire nomination process was not recorded through audio-visual means, despite the High Court's directions; (iii) The elections for the posts of Mayor, Senior Deputy Mayor, and Deputy Mayor were being conducted by an incomplete quorum, as the elections for certain wards were still pending; and (iv) The Respondents consequently elected unopposed, ought to be restrained from being administered the oath of office.
4. Vide our order dated 24.03.2025, noting that the disputed questions of fact could not be determined by the High Court or this Court in exercise of the writ jurisdiction, and that the issues were causing uncertainty over the functioning of the elected municipal bodies, we resolved to appoint, with the consent of the parties, a former Judge of the High Court to conduct a Fact-Finding Enquiry into the claims/counter-claims of the parties, limited to

the *sub-judice* constituencies.

5. Accordingly, Hon'ble Ms. Justice Nirmaljit Kaur, former Judge of the High Court of Punjab and Haryana, was appointed as the one-member Fact-Finding Commission (in short, "the Commission"). Liberty to submit claims was limited to those who had approached the High Court or this Court by way of special leave petitions/intervenor applications. Further, the State Authorities were permitted to raise objections and produce the relevant record before the Commission.

6. The Commission has submitted its report dated 18.11.2025, which was circulated to the counsel for the parties.

7. As per the report, of 46 claim petitions filed by 85 claimants, 4 were withdrawn and 2 were rejected as non-maintainable. Of the remaining 40 petitions, 33 concerned the Municipal Corporation, Patiala, while 7 concerned Dharamkot and Baghapurana in District Moga. The Commission examined affidavits, official replies, videos/CCTV footage, photographs, voter registers and voter lists, and recorded statements of Returning and Presiding Officers, polling staff, police officers, civil officials, the Election Observer and the claimants.

8. The principal finding of the Commission is of widespread obstruction during the nomination process, whereby nomination papers were snatched, torn or destroyed, and candidates were assaulted, detained or threatened. Regarding the Municipal Corporation, Patiala, the Commission found the elections in 13 wards, i.e. Ward Nos. 1, 12, 32, 33, 36, 41, 43, 44, 45, 48, 50, 51, and 52, vitiated because opposition candidates were prevented

from filing nominations. Similarly, in Ward Nos. 4, 6, 14, 16, 22, 26, 28, 37, 38, 40, 46, 53, 55 and 57, the elections were found vitiated because particular opposition candidates were forcibly excluded from contesting, even though the Commission could not determine whether their participation would have changed the result. Ward No. 34 was also found vitiated, as one Gaurav Kumar was prevented from filing his nomination.

9. As regards polling malpractices in Patiala, the Commission found serious evidence of bogus/multiple voting and intimidation in Ward Nos. 15 and 58, sufficient to question the fairness of those elections, though it did not find that the proven irregularities necessarily altered the result. However, the allegations regarding Ward Nos. 7, 18, and 19 were found not proved for want of evidence.

10. In Municipal Council, Dharamkot, the Commission found the elections in Ward Nos. 1, 2, 3, 4, 7, 9 and 13 vitiated due to forcible prevention of nominations, coercive withdrawal or wrongful rejection. Similarly, in Municipal Council, Baghapurana, it found the elections to all 15 wards vitiated as opposition candidates were systematically prevented from filing nominations.

11. In aggregate, the Commission found 50 ward elections to be vitiated and deserving of being set aside (28 in District Patiala and 22 in District Moga).

12. Mr. Kapil Sibal, learned senior counsel appearing for the State of Punjab, fairly states that the State has no objection to the acceptance of the recommendations made by the Commission. We therefore accept the recommendations of the Commission and direct that fresh elections be conducted in the relevant 50 wards.

13. In order to ensure that re-elections are conducted in a free, fair, and transparent manner, we issue the following directions:

- i. The Chief Justice of the High Court of Punjab and Haryana is requested to appoint, within one week, a Monitoring Committee comprising a retired Judge of the High Court of Punjab and Haryana to oversee the entire process of conducting the by-elections afresh from the issuance of the election notification until the declaration of the results. The re-election schedule shall be notified only after the Monitoring Committee has been duly constituted.
- ii. The Chief Justice of the High Court is also requested to nominate atleast two or three senior members of the Bar of the High Court to act as 'Observers' in the re-election process. The filing, scrutiny/submission of nomination forms, allocation of symbols, polling, etc. shall be videographed in the presence of the said Observers. The recordings shall be duly preserved and handed over to the Monitoring Committee.
- iii. The State of Punjab shall furnish to the Monitoring Committee, before the filing of nominations begins, a ward-wise list of the officers/officials deployed on election duty. Further, the list of police officers on duty in the rank of DSP and above shall also be furnished.

- iv. Any complaint concerning interference with, or obstruction of, the re-election process by any person, including any official, may be made to the Monitoring Committee, which shall promptly enquire into it and, if it finds substance in the complaint, submit a report to the Chief Justice of the High Court, who is requested to take appropriate action on the judicial side.
- v. The honorarium payable to the Monitoring Committee as well as the Observers shall be fixed by the Chief Justice of the High Court. The honorarium as well as the incidental expenses of the Monitoring Committee and the Observers shall be borne by the Government of Punjab, which shall also provide them with the necessary secretarial, transportation, logistical, and security support.
- vi. Upon completion of the entire re-election process, a report regarding the conduct of the same shall be submitted to the Chief Justice of the High Court. The re-election process shall be deemed to be completed only upon the Chief Justice of the High Court being satisfied, on the basis of the report submitted, that they were conducted in a free and fair manner. Only upon recording such satisfaction shall the results of the re-election be declared.
- vii. The entire process of re-election shall be completed within

6 weeks.

14. The instant Special Leave Petitions are disposed of accordingly, along with all pending Interlocutory Applications including application(s) for intervention/impleadment. We clarify that this order, including the directions above, has been passed in the peculiar facts of these cases and shall not constitute a precedent for future by-elections. The Registry shall forthwith communicate a copy of this order to the Chief Justice of the High Court of Punjab and Haryana.

15. We also take this opportunity to place on record our sincere appreciation for Hon'ble Ms. Justice Nirmaljit Kaur, former Judge of the High Court of Punjab and Haryana, for conducting the Fact-Finding Enquiry with remarkable diligence and objectivity. Her comprehensive report, prepared after a painstaking examination of voluminous oral, documentary, and video evidence has greatly assisted this Court in bringing a quietus to these disputes.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR