

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 final judgment and order dated 10-01-2025 in CWP No.388/2025 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. 35386/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

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

(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, IA No. 47155/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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

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

Date : 24-03-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Vivek Tankha, Sr. Adv.

Mr. Randeep Singh Bains, Adv.

Mr. Arun Kumar Kaundal, Adv.

Mr. Inder Dev, Adv.

Mr. Dharampal, Adv.

Mrs. Reeta Dewan Puri, Adv.

Ms. Smriti Puri, Adv.

Mr. Manish Dhingra, Adv.

Mr. P. N. Puri, AOR

Mr. Jeevesh Nagrath, Sr. Adv.

Mr. Harneet Singh Oberoi, Adv.
Mr. Harish Malik, Adv.
Mr. Kushal Bhattacharjee, Adv.
Mr. Arjun Baur, Adv.
Mr. Rajat G, Adv.
Mr. Alok Tripathi, AOR

Mr. Narender Hooda, Sr. Adv.
Mrs. Pallvi Hooda, Adv.
Mr. Shiv Bhatnagar, Adv.
Mr. Yuvraj Nandal, Adv.
Ms. Tannu, Adv.
Dr. Surender Singh Hooda, AOR
Mrs. Seema Sindhu, Adv.

For Respondent(s) :Mr. Gurminder Singh, AG Punjab (Sr. Adv.)
Ms. Anu Chatrath, Sr. Adv.
Mr. Vivek Jain, D.A.G.
Mr. Karan Sharma, AOR

Mr. Shadan Farasat, Sr. Adv.
Mr. Siddhant Sharma, AOR
Mr. Pranav Dhawan, Adv.

Mr. Varun Dev Mishra, AOR

Mr. Vivek Tankha, Sr. Adv.
Ms. Eshna Kumar, Adv.
Ms. Vishakha, AOR

Mr. A Velan, AOR
Ms. Navpreet Kaur, Adv.
Mr. Prince Singh, Adv.
Mr. Nilay Rai, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Ms. Ankita Gautam, AOR
Mr. Ferry Sophat, Adv.

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

1. The instant Special Leave Petitions have been filed against three judgements of the Punjab and Haryana High Court. The disputes arise from the process of conducting elections for the posts of Councillors/Members of the Municipal Corporations, Municipal Councils, and Nagar Panchayats in the State of Punjab. *Vide* the

first impugned judgement dated 13.12.2024, the High Court disposed of the writ petition with directions to the concerned authority to treat the writ, which contained allegations that the Petitioners-therein would be prevented from filing their nominations, as a representation and decide it on the same day. Further, the Respondents-therein were directed to ensure compliance with the guidelines issued by the State Election Commission, Punjab during the conduct of elections, with specific emphasis on the guidelines concerning videography of the entire process.

2. Subsequently, *vide* the second impugned judgement dated 10.01.2025, the High Court dismissed the writ petition, holding that the elections to the post of Mayor, Senior Deputy Mayor, and Deputy Mayor could not be restrained despite the fact that elections to various wards were pending.

3. Finally, *vide* the third impugned judgment dated 16.01.2025, the High Court allowed the writ petition, set aside the Single Judge's order dated 20.12.2024 deferring the elections of various wards, and permitted the Petitioners-therein to take their oath of office as they were elected unopposed.

4. The Petitioners are members of different National Political parties. They 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; (ii) While halting the Petitioners from filing their nominations, these persons engaged in physical assault, tearing of clothes, and snatching of the nomination papers; (iii) Despite directions issued by the High Court to record the entire

nomination process through audio-visual means, the same was not done; (iv) The elections for the post of Mayor, Senior Deputy Mayor, and Deputy Mayor were being conducted by an incomplete quorum as the elections for certain wards had been deferred and were still pending; and (v) Since the Petitioners were prevented from filing their nominations, the Respondents who were elected unopposed in those wards ought to be restrained from being administered the oath of office.

5. We have heard learned senior counsel/counsel for the petitioners as well as learned Advocate General for the State of Punjab and other senior counsel appearing on behalf of respondents.

6. Since this batch of matters involves various disputed questions of fact that cannot be determined either by the High Court or this Court in the exercise of their respective writ jurisdictions; and since the issues are necessarily causing uncertainty over the smooth functioning of the elected municipal bodies, we have impressed upon the parties and they have fairly consented for the appointment of a former Judge of the High Court to conduct the Fact Finding Enquiry, where the parties can submit their respective claims/counter-claims.

7. Keeping in view the peculiar facts and circumstances, both sides have fairly agreed to deviate from the settled prescribed procedure so that a Fact-Finding Commission can be constituted limited to the sub-judice constituencies. Liberty to submit claims shall be limited to those who have either approached the High Court or this Court by way of special leave petitions/intervenor applications.

8. It goes without saying that the appointment of the Fact-Finding Commission will not be a precedent. We appoint Hon'ble Ms. Justice Nirmaljit Kaur, former Judge of the Punjab and Haryana High Court to perform the above illustrated task, preferably on day-to-day basis and submit a report at the earliest. It is clarified that we have not expressed any opinion on the merits of the issues, which are kept open.

9. The learned Judge shall be paid by Government of Punjab an honorarium of Rs.5 lakhs per month besides an official vehicle and full secretarial assistance as per the requirement. Similarly, the learned Judge shall be entitled to engage a retired Judicial Officer of her choice and one Private Secretary to assist in day-to-day functioning.

10. The Punjab Government shall provide a suitable office space in a Government Building in Chandigarh of SAS Nagar, Mohali to convene the proceedings.

11. Post the matters on 22.05.2025.

12. Interim order(s) to continue.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR