IN THE HIGH COURT OF ORISSA AT CUTTACK

ELPET No.27 of 2024

Indramani Bhaisal   *....*   ***Election Petitioner***

Mr. R.R. Mohanty,
Advocate

-versus-

Jogesh Kumar Singh & others   *....*   ***Respondents***

Mr. G. Agarwal, Advocate
(for Respondent No.1 & Election
Commissioner of India)
Mr.S.P. Mishra, Sr. Advocate, assisted
by Mr. G. Parida, Advocate
(for Respondent No.2)

CORAM: JUSTICE SANJAY KUMAR MISHRA

<u>ORDER</u>
21.10.2024
<u>I.A. No.   of 2024</u>

Order No.
04.

This matter is taken up through hybrid mode.

2. Learned Counsel for the Respondent No.1 files this I.A. in Court, praying therein to grant six weeks' time to file the Written Statement. Office is directed to register this I.A and keep the same on record.

3. Learned Counsel for the Petitioner admits to have received copy of this application and submits, he has no objection to the prayer made in the application for further time to file WS.

4. Considering the averments made in this application so also the submission made by the learned Counsel for the parties, the prayer made in the I.A. is allowed. The Written Statement be filed within six weeks hence.

5. Accordingly, the I.A. stands disposed of.

(S. K. Mishra)
Judge

I.A. No.   of 2024

05.   **1.**   Mr. S.P. Mishra, learned Senior Counsel, being assisted by Mr. G. Parida, learned Counsel, is present and submits, he has instruction to represent Respondent No.2, who has already been set ex-parte vide order dated 07.10.2024.

2.   Mr. Parida files Vakalatnama duly executed in his favour by the Respondent No.2 along with Memorandum duly executed in favour of Mr. S.P. Mishra, learned Senior Counsel along with an I.A. in the Court, praying therein to recall the ex-parte order dated 07.10.2024 in respect of Respondent No.2 and permit the Respondent No.2 to contest the Election Petition by filing Written Statement. Office is directed to register this I.A and keep the same on record. The Vakalatnama so also the Memorandum also be kept on record.

3.   Learned Counsel for the Petitioner admits to have received copy of this application and submits, he has no objection if the prayer made in this application is allowed.

4.   Considering the averments made in this application so also the submission made by the learned Counsel for the parties, the prayer made in the I.A. to the limited extent of recalling the ex-parte order in respect of Respondent No.2 is allowed. Respondent No.2 may file WS with separate application for acceptance of the same in

accordance with law, if so advised.

5. Accordingly, the I.A. stands disposed of.

(S. K. Mishra)
Judge

I.A. No.36 of 2024

06. **1.** In view of the order dated 07.10.2024, the I.A. stands disposed of.

(S. K. Mishra)
Judge

ELPET No.27 of 2024 & I.A. No.39 of 2024

07. **1.** Mr. Agarwal, learned Counsel, who represents the Respondent No.1, submits that I.A. No.39 of 2024 has been filed for allowing the District Election Officer-Cum-Collector, Sundargarh to open the strong room, remove the EVMs and VVPATs for any future election or any other purpose. Mr. Agarwal submits, he has also filed a Memo of Appearance representing the Election Commission of India. To substantiate the prayer made in I.A. Mr. Agarwal, learned Counsel files the copies of order of this Court dated 26.11.2021 passed in ELPET No.06 of 2019 (***Debashish Samantaray Vs. Mohammed Moquim***), order dated 13.04.2023 passed in ELPET No.08 of 2019 (***Jadunath Sethi Vs. Pratap Chandra Sarangi & Others***) and order dated 19.04.2023 passed in ELPET

No.12 of 2019 (*Mahammad Sahirulhak @ Haque Vs. Pratap Chandra Sarangi & Others*)

2. Learned Counsel for the Petitioner admits to have received copy of the I.A. and prays for time to file Objection.

3. Learned Counsel for Respondent No.2 submits, as the ex-parte order has been recalled, his client would be filing written statement with separate application to accept the same on or before the next date of listing.

4. The matter be listed on 2nd December, 2024

5. Parties may file their respective application/objection in the meantime.

(S. K. Mishra)
Judge