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IN THE HIGH COURT AT CALCUTTA
ELECTION PETITION JURISDICTION
ORIGINAL SIDE

EP/13/2026

PIJUS KANTI PANDA
VS
TAPAN MAITY AND ORS.

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date : 10th July, 2026.

APPEARANCE:

Mr. Sirsanya Bandopadhyay, Adv.

Mr. Arka Kumar Nag, Adv.

Mr. Rahul Kumar Singh, Adv.

Mr. Md. Danish Farooqui, Adv.

Ms. Shrobana Sengupta, Adv.

Ms. Deshma Ghosh, Adv.

Ms. Sneha Sarkar, Adv.

...for the petitioner

The Court:- This election petition has been filed challenging the General Election at 212- Patashpur Assembly Constituency held on 23rd April, 2026.

Mr. Rahul Kumar Singh, Learned Advocate appearing for the petitioner submits that by the present election petition, challenge has been made to the election in the aforementioned Constituency. There has been gross irregularity in conducting election in the said Constituency. For the sake of proper adjudication of the dispute raised in the instant petition, the relevant materials pertaining to the election needs to be preserved namely the Electronic Voting Machine as well as VVPAT Machine used at the polling booths of 212- Patashpur Assembly Constituency. As per its own guidelines, the Election

Commission of India is under obligation to preserve such materials till the outer limit of filing of Election Petition and in the event Election Petition is filed, till the date of disposal of such petition. In support of his contention, he places the guidelines of Election Commission of India dated 15th July, 2016 bearing No. 51/8/7/2016-EMS.

Perused the Report of the Learned Registrar, Original Side dated 18th June, 2026.

It is found from the aforesaid report that the instant Election Petition had been scrutinized by the concerned department under Sections 80, 80A and 81 read with Sections 100, 101 and 123 of the Representation of the People Act, 1951. Further, the instant petition has been scrutinized in terms of the Rule 23 of the Election Petition Rules, 1967 of the High Court at Calcutta. Moreover, the provision of Section 83(1), 83(2) and 117 of Representation of the People Act, 1951 has been duly complied with the by the petitioner. The instant petition has been filed within stipulated period of 45 days from the date of publication of results of West Bengal Assembly Election, 2026.

Accordingly, let notice be issued in terms of Rule 24 of the Election Petition Rules, 1967

Pending decision of this Court, the Electronic Voting Machine as well as VVPAT Machine used at all the polling booths at 212-Patashpur Assembly Constituency shall be preserved by the concerned authority who is the custodian of such articles mentioned hereinabove.

The Learned Registrar, Original Side is directed to serve a copy of this order upon the Chief Election Commissioner, Election Commission of India at New Delhi.

The matter is made returnable on 14th August, 2026.

The parties are to act on server copy of this order downloaded from the website of the Hon'ble High Court at Calcutta.

(BIVAS PATTANAYAK,J.)