

SUPREME COURT OF INDIA

Reportable

Date of Decision: March 15, 2024.

Miscellaneous Application Diary No 11805 of 2024

In Miscellaneous Application No 486 of 2024

In Writ Petition (Civil) No 880 of 2017

Association of Democratic Reforms and Another ...Petitioner(s)

Versus

Union of India and Others

...Respondent(s)

O R D E R

- 1 An application has been filed by the Election Commission of India¹ seeking further directions.

- 2 In the order of this Court dated 11 March 2024, this Court had directed that ECI shall upload on its website the data furnished to this Court in compliance with the interim order dated 12 April 2019 which was being maintained in the custody of this Court. While issuing this direction, the Court has presumed that a copy of the data which was lodged before the Registry of this Court would be available with the ECI.

- 3 Mr Amit Sharma, counsel appearing on behalf of the ECI states that, as a matter of fact, ECI did not retain a copy of the data which was collated by it since it was being placed before this Court in sealed custody.

¹ "ECI"

4 The request, therefore, of the ECI is that the data which was filed before this Court be returned to it to enable it to comply with the order of this Court for uploading all the documents. This request of the ECI has not been opposed by Mr Kapil Sibal and Mr Vijay Hansaria, senior counsel and Mr Prashant Bhushan, counsel for the petitioners.

5 We accordingly issue the following directions:

- (i) The Registrar (Judicial) of this Court shall ensure that the data which has been filed by ECI in pursuance of the interim orders of this Court is scanned and digitized. This may be carried out preferably by 5 pm tomorrow (16 March 2024);
- (ii) Once the above exercise is completed, the originals shall be returned to Mr Amit Sharma, counsel appearing on behalf of ECI;
- (iii) ECI shall then upload the data on its website on or before 5 pm on 17 March 2024; and
- (iv) A copy of the scanned and digitized files shall also be made available to Mr Amit Sharma to obviate the replication of the process of digitization.

6 The Miscellaneous Application is accordingly disposed of.

7 The judgment of the Constitution Bench in ***Association for Democratic Reforms vs Union of India***² required the State Bank of India³ to furnish to the ECI all details of the Electoral Bonds purchased, and, as the case may, redeemed by political parties, including the date of purchase/redemption, name of the purchaser and the denomination of the Electoral Bond

² Writ Petition (Civil) No 880 of 2017 ³ "SBI"

purchased. It has been submitted that SBI has not disclosed the alphanumeric numbers of the Electoral Bonds.

8 The Solicitor General of India submits that since he is not appearing for SBI, notice may be issued to it.

9 We direct the Registry to issue notice to SBI, returnable on 18 March 2024. Additionally, we also direct the presence of a Senior Officer of SBI who is responsible for the management and storage of details of Bonds purchased and redeemed on the next date of hearing.

10 A copy of this order shall be served by the Registrar (Judicial) on Mr Sanjay Kapur, Standing Counsel for SBI.

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