

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

Writ Petition(s)(Civil) No(s).422/2014

YOGESH GUPTA

Petitioner(s)

VERSUS

THE ELECTION COMMISSION OF INDIA & ANR.

Respondent(s)

WITH

W.P.(C) No. 585/2014 (PIL-W)

IA No. 1/2014 - PERMISSION TO APPEAR AND ARGUE IN PERSON

W.P.(C) No. 927/2017 (PIL-W)

Date : 01-09-2026 These petitions 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) :Petitioner-in-person

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Ashwani Kumar Dubey, AOR
Mr. Tushar Srivastava, Adv.
Mr. Nikhil Upadhyay, Adv.

For Respondent(s) :Mr. Mukesh Kumar Maroria, AOR

Mr. Sahil Tagotra, AOR
Mr. Shreya Kasera, Adv.
Mr. Abhishek Pandey, Adv.

Dr. N. Visakamurthy, AOR
Mr. Tushar Mehta, Solicitor General
Mr. Rajat Nair, Adv.
Ms. Shradha Deshmukh, Adv.
Mr. Mayank Pandey, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Nikhil Aradhe, Adv.
Mr. G.S. Makker(aor), Adv.

Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Prateek Kumar, AOR
Mr. Deepak Sharma, Adv.
Mr. Devansh Rai, Adv.

Mr. Balaji Srinivasan, AOR

Mr. Vikas Singh Jangra, AOR

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

W.P.(C) No. 927/2017

1. Let Union of India file a specific affidavit as to why a suitable provision akin to Rule 59A of the Conduct of Elections Rules, 1961, should not be incorporated for the purpose of counting of votes from EVMs, and for which the Law Commission of India in its 255th Report has already proposed sub-section (2A) in Rule 66A of the 1961 Rules, which reads as follows:

“(2A) In the appropriate case, where the Election Commission apprehends intimidation and victimisation of electors in any constituency, and it is of the opinion that the votes recorded in the voting machines should be mixed before counting, it may by notification in the Official Gazette, specify such constituency where the returning officer shall use a totaliser for the counting of votes recorded in a group of electronic voting machines.”

2. Let the needful be done within six weeks.

3. Post the matter on 01.12.2026.

W.P.(C) No(s).422/2014

4. As per the office report, the Advocate-on-Record for the petitioner has unfortunately passed away.

5. The Registry may inform the petitioner to engage a new Advocate-on-Record.

6. Post the matter on 01.12.2026.

W.P.(C) No. 585/2014

7. Post the matter on 01.12.2026.

**(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS**

**(PREETHI DILEEP KUMAR)
DY. REGISTRAR**