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**भारत निर्वाचन आयोग सचिवालय**  
**SECRETARIAT OF THE ELECTION COMMISSION OF INDIA**

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001  
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/01/Dispute/PPS-II/2022/

Dated: 8<sup>th</sup> October, 2022

To

<b>Sh. Uddhavji Thackeray,</b> Shivsena Party, Shivsena Bhavan, Gadhari Chowk, Dadar, Mumbai (Maharashtra)- 400028	<b>Sh. Eknathrao Sambhaji Shinde,</b> Chief Minister, Government of Maharashtra, Subh-Deep Bungalow, Landmark Society, Thane Maharashtra.
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Subject: Dispute Case No.1 of 2022- Under Para 15 of the Election Symbols (Reservation and Allotment) Order, 1968. Dispute in Shivsena, a recognized Party in the State of Maharashtra - Commission's Interim Order- regarding.

Sir,

I am directed to forward herewith a certified copy of Commission's Interim Order dated 8<sup>th</sup> October, 2022, passed in the matter of the dispute case of Shivsena Party, having its reserved symbol 'Bow and Arrow'.

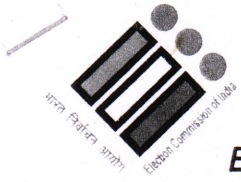
Yours faithfully,

**(Manish Kumar)**  
**Under Secretary**

**E-mail: mnayak86@eci.gov.in**  
**Extn no – 487, Ph.no – 23052008**

Copy to:

1. Email to All Chief Electoral Officers
2. Guard File



भारत निर्वाचन आयोग  
Election Commission of India

निर्वाचन सदन  
NIRVACHAN SADAN  
अशोक रोड, नई दिल्ली - 110 001  
ASHOKA ROAD, NEW DELHI - 110 001

## BEFORE THE ELECTION COMMISSION OF INDIA

CORAM :

HON'BLE  
(SH. ANUP CHANDRA PANDEY)  
ELECTION COMMISSIONER

HON'BLE  
(SH. RAJIV KUMAR)  
CHIEF ELECTION COMMISSIONER

Dispute Case No. 01 of 2022

In re: Dispute Case No. 01 of 2022 - Dispute in Shivsena — dispute under Paragraph 15 of the Election Symbols (Reservation & Allotment) Order, 1968.

Shri Eknathrao Sambhaji Shinde and others

Vs.

Sh. Uddhavji Thackeray and others

### ORDER

The Shivsena is a recognized State Party in the State of Maharashtra with the symbol 'Bow & Arrow' allotted as its reserved symbol in the said State under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968 ('Symbols Order' for short). As per the provisions of the Constitution of Shivsena, at the apex level, the party has a Shivsena Pramukh and a National Executive.

(2) On 25<sup>th</sup> June, 2022, Sh. Anil Desai on behalf of Sh. Uddhavji Thackeray, has intimated the Commission about anti-party activities carried by some of Members of Legislative Assembly (MLAs) of the party under the leadership of Sh. Eknath Shinde and objected in advance for establishment of any political party using the names 'Shiv Sena' or 'Balasaheb'

के. एन. भार / K. N. BHAR

व. प्रधान सचिव / Sr. Principal Secretary  
भारत निर्वाचन आयोग  
Election Commission of India  
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“कोई मतदाता न छूटे”  
“No Voter to be left behind”

(3) Sh. Anil Desai, vide email dated 01.07.2022, forwarded 3 letters dated 30.06.2022 whereby it was mentioned that the following members have indulged in anti-party activities and have voluntarily given up the membership of the Party. All the four members are therefore, removed from the position of Shivsena leader/ deputy leader in the party's organizational setup by Shivsena Pramukh, Sh. Uddhavji Thackeray in terms of the Party Constitution:

- a) Sh. Eknath Shinde, Shivsena leader.
- b) Sh. Gulabrao Patil, Shivsena deputy leader.
- c) Sh. Tanji Sawant, Shivsena deputy leader.
- d) Sh. Uday Samant, Shivsena deputy leader.

(4) Sh. Anil Desai, vide a further email dated 02.07.2022, submitted the complete Organizational Structure of National Executive Representatives of the Party after convening extraordinary National Executive Meeting on 25.06.2022 for Commission's perusal and record. The same was repeated vide letter dated 04.07.2022. It was also stated therein that Sh. Uddhavji Balasaheb Thackeray is the ShivsenaPakshaPramukh (Party President of Shivsena). However, the communication was not accompanied by supporting document in prescribed format as was done by Shivsena vide its letter dated 27.02.2018 as referred to in para 1.

(5) An affidavit of Sh. Subhash Desai, General Secretary, Shivsena was enclosed with a caveat filed by Advocate Sh. Vivek Singh dated 04.07.2022.

(6) Sh. Eknathrao Sambhaji Shinde, on 19.07.2022, filed a petition before the Commission, titled as Sh. Eknathrao Sambhaji Shinde Vs Sh. Uddhav Thackeray, under Para 15 of the Election Symbols (Reservation & Allotment) Order, 1968 to declare the Group led by Sh. Eknath Shinde as Shivsena and also allot the party symbol "Bow and Arrow" to the group. Sh. Eknath Shinde vide above petition dated 19.07.2022 inter-alia mentioned that:

(i) The dispute between the Shivsena had grown to the extent that the group led by Sh. Uddhav Thackeray held an unauthorized meeting and passed a resolution on 21.06.2022 through 24 out of 55 votes by members of SSLP to remove Sh. Eknathrao Sambhaji Shinde as Leader/Pramukh of Shivsena and appointing Sh. Ajay Choudhary as the leader of Shiv Sena Legislature Party (SSLP) in place of Sh. Shinde. Further, the said resolution passed by the minority faction of SSLP was also communicated to the Hon'ble Deputy Speaker and at behest of the President of Shivsena, the Hon'ble Deputy

Speaker also accepted the illegal and unlawful resolution passed by the minority faction of SSLP;

(ii) Thereafter, on the same day i.e. 21.06.2022, 34 MLAs from SSLP (including 4 independent MLAs) from the group led by Sh. Shinde passed a resolution reaffirming Sh. Eknath Shinde, who was appointed as group Leader/Pramukh of Shivsena Legislature Party on 31.10.2019 continues to be the Leader/Pramukh of Shivsena Legislature Party. The Resolution clearly stated that appointment of Sh. Ajay Choudhary is illegal and declared void and inoperative. The Resolution also stated that Sh. Bharat Gogavale was elected and appointed as Chief Whip of the Shivsena Legislature Party and appointment of Sh. Sunil Prabhu was resolved to be cancelled with immediate effect;

(iii) Only 14 out of 55 MLAs of the SSLP attended the said unauthorized meeting held at Varsha Bunglow, Mumbai. In the said meeting, despite being attended by hopeless minority, it was illegally resolved that those members who did not attend the meeting should be disqualified;

(iv) In view of the above mentioned facts and circumstances, it is evident that there is a split in the Shivsena one group of which is being led by Sh. Eknathrao Sambhaji Shinde and the other group is being led by Sh. Uddhavji Thakrey, both the groups claim to be the real Shivsena with their leader being the alleged President of Shivsena party;

(v) Further, during the on-going dispute among the members of Shivsena, leaders of both the groups have expelled/ disqualified the members of the other group which led to enhancement of the dispute between both the rival groups. Sh. Shinde states that this act of expelling or disqualifying the members of Shivsena by the leaders of both the group itself shows the split between the Shivsena party;

(vi) Sh. Eknathji Shinde has claimed the support of 12 MPs out of 18 MPs, 40 MLAs out of 55 MLAs and Various MLCs.

(7) Ms. Bhavana Gawali (Patil), Member of Parliament (Lok Sabha) on 19.07.2022, has endorsed a copy to Election Commission of India of letter addressed to Hon'ble Speaker, Lok Sabha, wherein it was requested to issue necessary circular to

record the name of Sh. Rahul Ramesh Shewale as the Leader of the Shivsena Parliamentary Party.

(8) On 20.07.2022, Sh. Vivek Singh, Advocate on behalf of Sh. Subhash Desai, General Secretary, Shivsena requested the Commission to not proceed in response of any letter/ representation/ petition from persons claiming to be the "real Shiv Sena" as doing so would precipitate various issues pending before the Hon'ble Supreme Court and informed that the status of these persons as legislators is itself in question as disqualification petition are pending against them, and the Hon'ble Supreme Court is currently seized of these issue in WP (C) No. 493 of 2022 and connected matters. Further, it was also informed that these petitions were listed on 20.07.2022 before the Supreme Court, wherein the Hon'ble Court was pleased to orally ask parties not to precipitate the issues pending before the Hon'ble Court and has listed the matters for hearing on 01.08.2022.

(9) On 21.07.2022, Sh. Vivek Singh, Advocate has requested for the copy of party constitution of Shivsena.

(10) On 22.07.2022, Commission vide its letter, exchanged the communication received from both the factions and directed both the groups to furnish their comments and their respective documents to support their claims, if any, latest by 01:00 PM on Monday, 8<sup>th</sup> August, 2022 for the Commission to take the next steps to conclude the substantive hearing under Para 15 with reference to dispute No. 1 of 2022.

(11) On 22.07.2022, Commission vide its letter, informed Sh. Vivek Singh, Advocate that the required communications have been sent to both the groups.

(12) On 29.07.2022, Sh. Vivek Singh requested for the copy of the petition and complete set of documents filed by Sh. Eknath Shinde and/or by any other person before the Commission.

(13) On 08.08.2022, Sh. Chirag Shah, Advocate on behalf of petitioner Sh. Eknathrao Sambhaji Shinde submitted the following:

- (i) Affidavits of 12 out of 19 MPs of Shivsena, who supports Sh. Eknathrao Sambhaji Shinde.
- (ii) Affidavits of 40 out of 55 MLAs of Shivsena, who supports Sh. Eknathrao Sambhaji Shinde.

- (iii) Different charts which shows number of office bearers at various level of the party.
- (iv) True Translated copy of the contents of affidavits filed by members of Shivsena.
- (v) Affidavit and Vakalatnama wherein the petitioner has authorized Sh. Chirag J Shah, Sh. Utsave Trivedi, Sh. Sidharth Dharmadhikari, Sh. Himanshu Sachdeva and Sh. Manni Roy to act appear and appeal on his behalf.

(14) On 08.08.2022, Sh. Vivek Singh, Advocate submitted a Vakalatnama of the Respondent Sh. Uddhav Thackeray wherein, Sh. Uddhav Thackeray has authorized Sh. Vivek Singh, Ms. Devyani Gupta and Ms. Tanvi Anand, Advocates to act, appear and plead etc. on his behalf in the Dispute Case No. 01 of 2022.

(15) Sh. Vivek Singh, has moved an application dated 06.08.2022 received in the Commission on 08.08.2022, and requested to Defer/adjourn the proceedings in Dispute No. 1 of 2022 for 4 weeks before the Commission wherein the Commission's order dated 22.07.2022 has been referred and informed the Commission that a bare reading of the petition under Paragraph 15 of the Symbols Order filed by the petitioner (Sh. Eknath Shinde) discloses that his claim to the Symbol is solely based on the ground that the Petitioner has alleged support of the majority of MLAs and MPs of the party. However, the petitioner in his application has suppressed a vital fact that the very status of the petitioner and his so-called supporters as MLAs is the subject matter of disqualification proceedings which the matter is sub-judiced before Hon' Supreme Court.

i. In the application, the Hon' Court's order dated 04.08.2022 in WP(C) No. 493/2022 has been referred which states that – *“Meanwhile, we are informed by Mr. Arvind Datar, learned Senior counsel appearing on behalf of the Election Commission that it has fixed 8th August, 2022 as the date for the petitioner to file an affidavit in the matter pending before it. According to the learned Senior counsel, the proceedings may take some time as voluminous evidence is usually submitted by the parties which must be considered by the Election Commission. The learned Senior counsel, therefore, states that no orders may need to be passed by this Court interdicting proceedings before the Election Commission. In these circumstances, we grant liberty to the petitioner to file an application before the Election Commission for seeking time.”*

ii. In view of this, the applicant has sought relief as below:-

- (a). Defer/adjourn the proceedings in Dispute No. 1 of 2022 for 4 weeks;
- and

(b). Pass any such further orders or reliefs which Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.

(16) On 10.08.2022, Commission granted first extension of time vide its letter informed Sh. Vivek Singh to furnish the written submission along with their respective documents to support the claim, if any by 23.08.2022.

(17) On 23.08.2022, Sh. Chirag Shah, Advocate on behalf of petitioner Sh. Eknathrao Sambhaji Shinde in addition to his claim vide letter dated 08.08.2022, submitted thousands of affidavits (in bundles, claimed by total 1,20,192 members) filed by members of Shivsena.

(18) On 23.08.2022, Sh. Vivek Singh, counsel of Sh. Uddhav Thackeray, again moved an application dated 23.08.2022 and requested to Defer/adjourn the proceedings in Dispute No. 1 of 2022 for 4 weeks in view of the pendency of WP(C) No. 493/2022 in the apex court.

(19) On 26.08.2022, the Commission granted second extension of time and vide its letter informed Sh. Vivek Singh, counsel of Sh. Uddhav Thackeray that the request of deferment in Dispute Case No. 1 of 2022 for 4 weeks was acceded to.

(20) On 23.09.2022, Sh. Chirag Shah, Advocate on behalf of petitioner Sh. Eknathrao Sambhaji Shinde, in addition to his claim vide letters dated 08.08.2022 and 23.08.2022, submitted additional affidavits of 11 Rajya Prabhari/ Chief of state in support from different states.

(21) On 23.09.2022, Sh. Vivek Singh, vide letter dated 22.09.2022 submitted that the Hon'ble Supreme Court vide order dated 07.09.2022 directed to list the application bearing I.A. No. 101776-101777 of 2022 (seeking stay of the proceeding of Election Dispute No. 1 of 2022) for hearing on 27.09.2022 and further requested the Commission to defer the proceedings by two weeks or till the time the Hon'ble Supreme Court decides the aforementioned application for Stay.

(22) Whereas Hon'ble Supreme Court on 27.09.2022, proceeded in W.P (C) and passed orders in IA No 101776/2022 & IA No 101777/2022 "*There shall be no stay of the proceedings before the Election Commission*".

(23) On 28.09.2022, Sh. Vivek Singh counsel of Sh. Uddhav Thackeray has requested to provide the documents submitted by Sh. Eknathrao Sambhaji Shinde and another extension of 3 weeks' time to file reply.

(24) On 29.09.2022, Commission, in view of the order dated 27.09.2022 of Hon'ble Supreme Court, gave third extension of time while advising Sh. Uddhav Thackeray to furnish the written submissions vide Commission's direction dated 22.07.2022, along with the respective documents to support claim, if any, latest by 07.10.2022 and advised to clearly list the details of documents (including individual affidavits) with proper indexing in alphabetical order clearly indicating the respective position of the concerned in the party. Further, it was also advised to serve a copy of all papers being filed to the other group and proof of service to be furnished to the Commission.

(25) Sh. Vivek Singh, counsel for Sh. Uddhav Thackeray, has moved an application dated 28.09.2022 received on 30.09.2022 wherein it is informed that the Hon'ble Supreme Court has dismissed the stay application on the proceeding at the Commission in the matter and further requested the Commission to grant the group another three weeks time to file the reply and submit requisite documents. No further extension was granted.

(26) On 29.09.2022, Commission vide letter has informed Sh. Eknathrao Sambhaji Shinde, that the affidavits submitted in respect of the organizational and legislative wings are not properly indexed and directed to clearly list the details of documents (individual affidavits) submitted with proper indexing in alphabetical order clearly indicating the respective position of the concerned in the party by 07.10.2022. Further, it was advised to furnish the Copy of all papers being filed should be served to the other party and proof of service to be furnished to the Commission.

(27) On 04.10.2022, Sh. Chirag Shah, Advocate, on behalf of Sh. Eknath Shinde, referred to the petition filed cited in Para 06 (above) and also the Commission's Press Note No. ECI/PN/73/2022 dated 03.10.2022 wherein the Commission has decided to conduct election to fill vacancy for 166 - Andheri East Constituency of Maharashtra. Further, Sh. Shah informed the Commission that the faction led by other group can illegally and unlawfully make an attempt to field a candidate and may claim the symbol of the party and accordingly requested the Commission to urgently hear, dispose and allow the Petition filed by Sh. Shinde under Paragraph 15 of the Election Symbols (Reservation & Allotment) Order, 1968 and allot the symbol of Shivsena party 'Bow



and Arrow' to the group led by Sh. Shinde. Moreover, proof of service (via google drive) of the documents filed by the group led by Sh. Shinde to the group led by Sh. Thackeray is also attached with the application.

(28) On 06.10.2022, Sh. Chirag Shah, Advocate, on behalf of Sh. Eknath Shinde, in addition to his claim vide letter dated 08.08.2022, submitted thousands of affidavits (in bundles, claimed total 9,385 members) filed by members of Shivsena and submitted proof of service (via google drive) of the documents filed by the group led by Sh. Shinde to the group led by Sh. Thackeray.

(29) On 06.10.2022, CEO, Maharashtra has sought guidance of the Commission on the following points:

- 1) If the candidates of both the factions of Shivsena file their Nomination Forms in 166-Andheri East A.C. and also bring the notice in Forms 'A' and Form 'B' from respective factions claiming as Shivsena, the concerned Returning Officer will face a dilemma at the time of scrutiny of nomination papers. So what guidance is available for him to make his decision?
- 2) If candidates from both factions of Shivsena make a claim for the same election symbol i.e. Bow & Arrow, question of allotting symbol may arise and how to dealt with this matter by concerned Returning Officer?
- 3) If both the factions of Shivsena appoint separate district chiefs for their factions and ask for free copies of electoral roll, the concerned RO/ERO may face same difficulties.
- 4) Similarly, if both the factions appoint their star campaigners, then in such situation, which faction should be taken to be a real Shivsena.

(30) On 07.10.2022, at 04:25 PM, Commission vide its letter, referred to the Commission's letter dated 29.09.2022 and advised the group led by Sh. Thackeray to furnish their comments latest by 2 pm on 08.10.2022 along with comments on the letter dated 04.10.2022 of Sh. Chirag Shah, advocate for Sh. Shinde.

(31) On 07.10.2022, Sh. Vivek Singh, counsel for Sh. Uddhav Thackeray, referred to the Commission's letter dated 29.09.2022 and filed a preliminary reply at 04:35 PM, wherein it was informed that due to the large quantum of documents, it was difficult to file reply within stipulated time including the fact that the documents filed by the other group has not been supplied despite repeated requests. In view of above, the Commission was requested not to pass any order without affording oral hearing in the matter to

demonstrate the frivolity of the claim made on behalf of group led by Sh. Shinde.

(32) On 07.10.2022, at 08:35 PM, Commission vide its letters, referred to the Commission's letters dated 29.09.2022 and 07.10.2022 and invited comments from the group led by Sh. Thackeray on the letter dated 04.10.2022 of Sh. Chirag Shah. Both the groups were also advised to furnish the proof of service to the other group of the documents filed at the Commission by 2:00 pm of 08.10.2022.

(33) On 07.10.2022, at 8:20 PM, Sh. Vivek Singh, counsel for Sh. Uddhav Thackeray, referred to the Commission's letter dated 29.09.2022 wherein the last day to reply in the matter was extended till 07.10.2022 and informed the Commission that the Commission has issued directions (as mentioned in Para 30 above) even before the end of deadline for filing reply. It was also informed that the group has also filed a preliminary reply on 07.10.2022 which has also been served to other group by way of email. Reference was also made to Sh. Chirag Shah's letter dated 04.10.2022 comments on which were requested by the Commission and informed the Commission that any reply to any application filed by a party is necessitated only if notice is issued whereas the Commission has not issued any notice in this regard. Further, in view of the large number forged and fabricated documents filed by the other group has requested the Commission another three to four weeks' time to scrutinize the documents filed by the other side. The Commission will take a call on the issue of extension of three to four weeks for filing reply at appropriate time.

(34) On 08.10.2022, Sh. Chirag Shah, Advocate for Sh. Shinde submitted proof of service of the documents filed to rival group.

(35) On 08.10.2022, at 1:45 PM, Sh. Vivek Singh, Advocate for Sh. Thackeray, in reply has inter alia stated that the petition dated 19.07.2022 is not maintainable under para 15 as (a) the first and the foremost requirement for maintaining a petition under para 15 is that person must belong to the party of which symbol is claimed (b) the interim prayer sought in the petition is in the nature of final prayer. (c) no prejudice will be caused to the petitioner if status quo is maintained as it is stated that petitioner is not intending to set up a candidate. (d) The respondent position as Chief Executive of Party as per the Party Constitution is not in dispute and it is admitted by the Petitioner and hence Respondent is the de jure authority to decide the candidate for the Party. Further the respondent has prayed as under:

(i) Continue to maintain status quo till final hearing on the application under

Paragraph 15 takes place, after providing adequate opportunity to lead evidence and conducting oral hearing;

- (ii) Reject the Petitioner's application under Paragraph 18;
- (iii) Pass such further order/orders as it may deem fit and appropriate.

(36) The Commission has already taken cognizance of the present matter under Para 15 of the Symbol's Order [para 10 above refer]. Para 15 of the Election Symbols (Reservation & Allotment) Order, 1968 states that – ***“When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognized political party each of whom claims to be that party, the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard, decide that one such rival section or group or none of such rival sections or groups is that recognized political party and the decision of the Commission shall be binding on all such rival sections or groups.”***

(37) The steps envisaged under Para 15 proceedings, prior to hearing the Parties, inter-alia, require both parties to the dispute to submit their respective documentary evidence of support claimed by them in the organisational and legislative wings of the Party. They may also submit the list of members of various Committees formed in the internal party elections held. Thereafter, the Commission initiates the hearing of such representatives of the groups as desire to be heard. This is consistent with the past approach of the Commission. In the present case the process of submission of documents was initiated vide order of the Commission of 22.07.2022 (see para10 above) and the time line has been extended several times. Therefore, the steps/process which is required to be completed before the date of hearing, when fixed, is at present still in progress.

(38) A parallel statutory development under the RP Act 1951, having direct bearing on the matter at hand, is by way of the Press Note issued by the Commission on 03.10.2022, announcing the Schedule of Elections for 7 seats to the State Legislative Assemblies of various states. The prescribed time schedule [for nomination / scrutiny / withdrawal / symbol allotment etc.] in the notification is governed by statutory timelines. The outer limit of conduct of bye-elections i.e. 6 months from the date of vacancy is governed by Section 150 & 151A of the RP Act 1951. This has been complied with in the Commission's Press Note of 03.10.2022. Para 5 of the Symbol Order enables a State recognized party, such as Shivsena, to have a 'reserved symbol'. The 'reserved' symbol

can be utilized for bye-elections and general election to be held not only in the State of its registration, but it is also allowed to have priority of same symbol in case they choose to contest elections in other States. Therefore, the queries of CEO Maharashtra stated in Para 29 assume significance and have a direct bearing on the smooth conduct of the elections announced by the Commission.

(39) Shri Vivek Singh, has in his letter of 07.10.2022, has sought another 4 weeks of time before the start of formal hearing in order to prepare and carefully understand the documentation filed by the rival faction. That, a clear time frame is required, after submission of documents and, listing of the date of formal hearing by the Commission, is a correct point. However, the said time frame, as will be decided by the Commission in its assessment, needed to ensure the due process to be followed by the Commission, is incongruent to the timelines being invoked by the two groups. Extension of time lines simplicitor, may have a definite bearing/ consequences on the smooth conduct of the announced bye-elections, as, both the Parties to the dispute have claimed exclusive use of the Shivsena Symbol "Bow & Arrow" and the Party name of "Shivsena". They have highlighted that the date of nomination commenced on October 7 & will close on October 14 and one group in particular has sought an expeditious decision. Thus, an independent timeframe in public interest & in discharge of ECI's statutory responsibilities has come into being and must be accounted for by the Commission, immediately, to address the statutory spaces generated by the schedule of bye-elections notified on 03.10.2022. The Commission is duty bound to ensure that all electoral steps of the bye election are free of any confusion and contradiction and thus its next step are necessarily agnostic to the possibility of either of the faction participating in the poll.

(40) Having regard to the above facts and circumstances as indicated under para 38 & 39 above, it is evident that the time available is not adequate to ensure the due process which is required to be completed for the proceedings under Para 15, as indicated in para 37 above. However, the Commission takes note of the urgency involved with regard to use of party symbol and party name due to the schedule of the bye-elections announced.

(41) Accordingly, in order to place both the rival groups on even keel and to protect their rights and interests, and going by the past precedence, the Commission hereby makes the following Interim Order, to cover the purpose of the current Bye-elections and to continue till the final determination of the dispute in the matter in terms of Para 15 of the Symbols Order:-

a) Neither of the two groups led by Sh. Eknathrao Sambhaji Shinde (Petitioner) and

other led by Sh. Uddhav Thackeray (Respondent) be permitted to use the name of the party "Shivsena" simplicitor;

- b) Neither of the two groups shall also be permitted to use the symbol "Bow & Arrow", reserved for "Shivsena";
- c) Both the groups shall be known by such names as they may choose for their respective groups, including, if they so desire, linkage with their parent party "Shivsena"; and
- d) Both the groups shall also be allotted such different symbols as they may choose from the list of free symbols notified by the Election Commission for the purposes of the current bye-elections.

(42) Accordingly, both the groups are hereby directed to furnish, latest by 01:00 PM on **10<sup>th</sup> October, 2022:**

- (i) The names of their groups by which they may be recognized by Commission and to this end, give three options in order of preference, anyone of which may be approved by the Commission and;
- (ii) The symbols which may be allotted to the candidates set up, if any, by the respective groups. They may indicate the names of **three** free symbols, in the order of their preference, anyone of which may be allotted to their candidates by the Commission.

ORDERED ACCORDINGLY

Sd/

HON'BLE  
(SH. ANUP CHANDRA PANDEY)  
ELECTION COMMISSIONER

Sd/

HON'BLE  
(SH. RAJIV KUMAR)  
CHIEF ELECTION COMMISSIONER

New Delhi the 8<sup>th</sup> October, 2022



के. एन. भार / K. N. BHAR  
व. प्रधान सचिव / Sr. Principal Secretary  
भारत निर्वाचन आयोग  
Election Commission of India  
निर्वाचन सदन / Nirvachan Sadan  
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