2025 INSC 1261

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

M.A. NO.1901 OF 2025

IN

SLP (CIVIL) NO.27946 OF 2025

STATE ELECTION COMMISSION ...APPLICANT

VERSUS

SHAKTI SINGH BARTHWAL & ANR. ...RESPONDENTS

J U D G M E N T

VIKRAM NATH, J.

1. This Miscellaneous Application is filed by the petitioner in SLP No. 27946/2025 for modification of the order dated 26.09.2025 passed by this Court.

2. The applicant has prayed for the following reliefs:

   i. Expunge observations relating to conduct of the arguing counsel for the Petitioner at the hearing of the matter on 26.09.2025; and

   ii. Waive costs imposed upon the petitioner while dismissing the Special Leave Petition vide order dated 26.09.2025 passed by this Court; and

   iii. Pass any other such or further orders as this Hon'ble Court may deem fit and proper.

3. The Special Leave Petition was disposed of vide order dated 26.09.2025 with the following observations:

> "The State Election Commission of the State Uttarakhand has filed this petition against an interlocutory order passed by the High Court whereby the High Court has given reasons for staying the clarification issued by the Commission on the premise that it was contrary to statutory provisions. Despite our communicating to the learned counsel that the matter does not deserve any interference at least six times the counsel continued to insist that this Court must pass some order.
>
> We are pained at this approach and accordingly, the petition stands dismissed with cost of Rs. 2,00,000/-(Rupees Two Lakhs only) on the Commission to be deposited with the Supreme Court Legal Services Committee within four weeks from today.
>
> Pending application(s), if any, shall stand disposed of."

4. We have heard learned counsel appearing for the applicant.

5. An unconditional and bona fide apology has been tendered by the applicant before the Court.

6. It must be appreciated that once the Court has indicated its mind and requested the counsel to refrain from further submissions, the same is expected to be respected. Orders are passed by the Court only after due consideration. The Court is always mindful of the submissions advanced and does not dismiss the matters without careful examination. Continued insistence thereafter, especially after the Court expressed its inclination, serves no purpose and affects the

decorum of proceedings. There needs to be a balance in the duty that advocate has towards his/her client and the Court. The orderly and dignified functioning of the Court is best ensured when the Bench and the Bar move in symphony with each other.

7. Normally, the application would have been rejected but the Counsel himself present in Court has expressed remorse and the leaders of the Bar Mr. Vikas Singh, Senior Advocate and Mr. Vipin Nair, Advocate have assured the Court that this would not happen again.

8. In view of the above, considering the unqualified and unconditional apology tendered by the learned Counsel and this being his first such incident before this Bench, we are inclined to allow the application with a caution that such conduct should not be repeated in future.

9. This Application is, accordingly, allowed. The order is modified to the extent that the adverse remarks and the cost imposed are deleted.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI;
OCTOBER 28, 2025