

CHIEF JUSTICE'S COURT
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

COURT NO.1
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

MA D. No. 11805/2024

ASSOCIATION FOR DEMOCRATICS REFORMS & ORS.

Versus

UNION OF INDIA & ORS.

TRANSCRIPT OF HEARING

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10:40 AM IST

1 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Justice Jeremy Johnson for visiting the
2 Supreme Court. So, on behalf of the members of the Bar and all my colleagues, I have pleasure
3 in welcoming them to our Court.

4

5 **TUSHAR MEHTA:** We welcome Your Lordships and Your Ladyship.

6

7 **AMIT SHARMA:** This is an application which has been moved by the Election Commission
8 of India My Lord. This for a minor modification. My Lords had directed the data which was
9 submitted before this honourable Court by two Orders in the sealed envelope. The impression
10 perhaps was that one of the copies of that data is with Commission. But ...

11

12 **CHIEF JUSTICE D. Y. CHANDRACHUD:** We assume that you would have retained a
13 copy of what you have submitted in the Court.

14

15 **AMIT SHARMA:** It was supposed to be in sealed cover, taking the information from the
16 political party, so we just submitted it as it is we got. So, the entire data is with this Honourable
17 Court.

18

19 **CHIEF JUSTICE D. Y. CHANDRACHUD:** So, what we could do is, we will ask our office
20 to scan and digitize the data which has been submitted to us. That might just take a day or so,
21 I think because they start doing it immediately.

22

23 **KAPIL SIBAL:** That can be postponed, their putting it up on the website.

24

25 **CHIEF JUSTICE D. Y. CHANDRACHUD:** As soon as the data which is available with us
26 is scanned and digitized, that will be handed over to the... the originals will be returned to the
27 Election Commission. They will immediately upload it.

28

29 **KAPIL SIBAL:** Fair enough. No objection.

30

31 **TUSHAR MEHTA:** Your Lordships indicated also on the last occasion.

32

33 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Now, just one thing. Who's appearing for the
34 State Bank of India? Because in our judgment, we had directed, disclosure specifically of all
35 details of the Bonds, including the purchaser, the amount and the date of purchase. They have

1 not disclosed the Bond numbers because that had to be disclosed by the State Bank of India.
2 Because if you see our judgment...

3

4 **KAPIL SIBAL:** Your Lordships' judgment is quite clear on that, all details.

5

6 **CHIEF JUSTICE D. Y. CHANDRACHUD:** So, all details have to be furnished by the State
7 Bank of India.

8

9 **TUSHAR MEHTA:** And for the Government.

10

11 **PRASHANT BHUSHAN:** And they had said in their own application that they have the
12 Bond numbers, et cetera. But they have said that they were in two different silos.

13

14 **KAPIL SIBAL:** That's right.

15

16 **PRASHANT BHUSHAN:** The SBI's request for extension was on the ground.

17

18 **TUSHAR MEHTA:** SBI is not a party. They were here because they moved an application.

19

20 **KAPIL SIBAL:** Anyway, if they disclose the Bond number, we have no problems at all.

21

22 **TUSHAR MEHTA:** Lordships may issue notice to SBI, My Lords.

23

24 **ADISH C. AGGARWALA:** My Lord, may I mention My Lord...

25

26 **TUSHAR MEHTA:** Lordships may issue notice to SBI, My Lords.

27

28 **KAPIL SIBAL:** No, no, no. Don't.

29

30 **TUSHAR MEHTA:** I am requesting the Honourable Court.

31

32 **CHIEF JUSTICE D. Y. CHANDRACHUD:** An application has been filed by the Election
33 Commission of India seeking further directions. In the order of this Court, dated 11th of March,
34 2024, this Court had directed that Election Commission of India, that ECI shall upload on its
35 website the data which was furnished to this Court and which was being maintained in the
36 custody of this Court. While issuing this direction, the Court had presumed that a copy of the
37 data which was lodged before this Court, before the registry of this Court would be available

1 with the ECI. Mr. Amit Sharma, the Learned Counsel appearing on behalf of ECI states that as
2 a matter of fact, ECI did not retain any copy of the data, which was collated by it since it was
3 being placed before this Court in safe custody. The request, therefore, of the ECI is that the
4 data which was being filed in this Court may be returned to it so as to enable it to comply with
5 the order of this Court for uploading all the documents. This request of the ECI has not been
6 opposed either by Mr. Kapil Sibal the Senior Counsel or Prashant Bhushan Learned Counsel
7 and Mr. Vijay Hansaria. We accordingly issue the following directions:

8
9 1) The Registrar Judicial of this Court shall ensure that the data which was been filed by ECI
10 in pursuance of the interim orders of this Court is scanned and digitized. Upon the process
11 being complete, this may be preferably carried out by 05:00 p.m. tomorrow.

12 2) Once the above exercise is completed, the original shall be returned to Mr. Amit Sharma,
13 Learned Counsel appearing on behalf of the ECI. ECI shall then upload the data on its website
14 within a period of, on or before day after.

15
16 **VIJAY HANSARIA:** A copy of the digitized may also be given, so it will not take time.

17
18 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Yes. Fair enough. A copy of the scanned and
19 digitized files shall also be made available to Mr. Amit Sharma. so as to update replication of
20 the process of scanning and digitization. So, now we'll pass another order.

21
22 **TUSHAR MEHTA:** Would Your Lordships consider issuing notice to SBI? They may have
23 something to say.

24
25 **CHIEF JUSTICE D. Y. CHANDRACHUD:** They should be here when the matter is going
26 on.

27
28 **TUSHAR MEHTA:** I'm sorry My Lords. Please. They filed an application which is disposed
29 of, they are not parties.

30
31 **CHIEF JUSTICE D. Y. CHANDRACHUD:** But really speaking we can take exception to
32 what they have disclosed because they were bound, duty bound...

33
34 **TUSHAR MEHTA:** I'm not appearing for SBI.

35
36 **KAPIL SIBAL:** The Court can pass an order.

1 **TUSHAR MEHTA:** I'm not here for politics.

2

3 **CHIEF JUSTICE D. Y. CHANDRACHUD:** What is the operative direction in Clause ...?

4

5 **ADISH C AGGARWALA:** My Lord, may I mention, My Lord.

6

7 **KAPIL SIBAL:** ECI shall submit details of the Electoral Bonds purchased since the
8 [UNCLEAR] of the court 12th February till date to the ECI. The details shall include the date
9 of the purchase of each Electoral Bond, the name of the purchaser of the Bond and the
10 denomination of the Electoral Bond purchased. Shall include, doesn't mean it will exclude SBI.

11

12 **TUSHAR MEHTA:** Your Lordship order is clear. What Your Lordship meant...

13

14 **KAPIL SIBAL:** Allow me. Allow me, sir. Allow me. SBI shall submit the details of political
15 parties, which have received contributions through Electoral Bonds since the interim order of
16 the Court dated 12th April, till the date of the ECI. SBI must disclose details of each Electoral
17 Bond encashed by political parties, which shall include the date of the encashment and the
18 denomination of the bonds. So, this is an inclusive order. It shall include all details.

19

20 **TUSHAR MEHTA:** Would Your Lordships see B and C.

21

22 **PRASHANT BHUSHAN:** And Your Lordship has said that the reason...

23

24 **TUSHAR MEHTA:** B and C of Your Lordship is original. I'm not appearing. I am assisting.
25 I feel SBI needs to be...

26

27 **CHIEF JUSTICE D. Y. CHANDRACHUD:** The order of this Court, the judgment of the
28 Constitution Bench required SBI to furnish to ECI, all details of the Electoral Bonds purchased
29 and as the case may be redeemed by political parties, including the date of purchase, what are
30 the other...

31

32 **KAPIL SIBAL:** Name of purchaser, purchase which have received, sorry.

33

34 **PRASHANT BHUSHAN:** And the denomination.

35

36 **KAPIL SIBAL:** And the denomination.

37

1 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Name of the purchaser, and the date of
2 purchase/redemption. It has been submitted, that SBI has not disclosed has not disclosed the
3 Electoral Bond numbers. What is it called? Is it called the Unique Identification Number or is
4 it called the...

5

6 **PRASHANT BHUSHAN:** It is called the alpha numeric number on each Bond.

7

8 **CHIEF JUSTICE D. Y. CHANDRACHUD:** The alpha numeric number of the Electoral
9 Bonds. The Solicitor General submits that since he is not appearing for the SBI, notice may be
10 issued to SBI. We direct the Registry to issue notice to SBI returnable on Monday. We will
11 keep it on Monday.

12

13 **KAPIL SIBAL:** Deeply obliged.

14

15 **TUSHAR MEHTA:** Obligated.

16

17 **ADISH C. AGGARWALA:** May I mention My Lord,

18

19 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Mr. Aggarwala, just a moment. Don't
20 intervene. A copy of this order shall be served by the, shall be forwarded by the Registrar
21 Judicial on the Standing Counsel appearing for SBI.

22

23 **TUSHAR MEHTA:** May I request one thing....

24

25 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Or Mr. Kapoor, Mr. Sanjay Kapoor.

26

27 **TUSHAR MEHTA:** May I request Your Lordships are keeping this on Monday. We have
28 guests among us. This mentioning can wait till Monday. I hope, My Lord, I can convey myself.

29

30 **VIJAY HANSARIA:** They also agree with us.

31

32 **KAPIL SIBAL:** There is something to be said for what the Solicitor said.

33

34 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Mr. Aggarwala, would you like to mention
35 this...

36

1 **ADISH C. AGGARWALA:** My Lord, I sent yesterday one request to Honourable Lordship
2 for *suo moto*...

3

4 **CHIEF JUSTICE D. Y. CHANDRACHUD:** With reading our files and correspondence
5 both, would you like to mention this on Monday, Mr. Aggarwala.

6

7 **ADISH C. AGGARWALA:** Your Lordship are not fully aware...

8

9 **TUSHAR MEHTA:** All of us fully....

10

11 **ADISH C. AGGARWALA:** Will request to file for application but I was not a party My Lord.

12

13 **CHIEF JUSTICE D. Y. CHANDRACHUD:** Please respect the sentiments of your
14 colleague,

15

16 **TUSHAR MEHTA:** All of us have jointly requesting you to mention on Monday.

17

18 **KAPIL SIBAL:** Deeply obliged.

19

20

21

22

END OF DAY'S PROCEEDINGS