

BEFORE THE HON'BLE SPEAKER, LOK SABHA

Sudip Bandyopadhyay  
Member of Parliament, Lok Sabha  
Kolkata Uttar (Lok Sabha Constituency)  
All India Trinamool Congress Party

versus

Sunil Kumar Mandal  
Member of Parliament, Lok Sabha  
Bardhaman Purba (Lok Sabha Constituency)



...Petitioner



...Respondent

**APPLICATION FOR DISQUALIFICATION OF SHRI. SUNIL KUMAR MANDAL FROM THE BARDHAMAN PURBA (LOK SABHA CONSTITUENCY) AS PER ARTICLE 102 (2) OF THE CONSTITUTION OF INDIA READ WITH PARA 2(1)(A) OF THE TENTH SCHEDULE AND RULE 6 OF THE MEMBERS OF LOK SABHA (DISQUALIFICATION ON GROUND OF DEFECTION) RULES, 1985.**

I, Sudip Bandyopadhyay, son of Late Shri Bisweswar Bandyopadhyay, am a member of the All India Trinamool Congress Party and a Member of Parliament, Kolkata Uttar (Lok Sabha Constituency), am filing the instant petition seeking disqualification of Shri. Sunil Kumar Mandal in accordance with Article 102 (2) of the Constitution of India read with the Tenth Schedule. I state as follows:

1. The Respondent, an erstwhile member of the All India Trinamool Congress Party (hereinafter referred to as AITC), is a Member of Parliament from the Bardhaman Purba (Lok Sabha Constituency).
2. That, over the last few days and with the upcoming West Bengal Assembly Elections, repeated attempts are being made by the Bharatiya Janata Party (BJP) to induce members of the AITC to the BJP through corruption, bribery, undue influence, and other illegal means.
3. On 19<sup>th</sup> December 2020 a rally was conducted by the BJP in the presence of Shri. Amit Shah, Minister of Home Affairs, wherein various defections were observed from the AITC to the BJP. In one such instance, the Respondent had voluntarily given up membership of the AITC and had joined the BJP in the rally. In the said rally, numerous statements were also made by the participants which was against the interest of the AITC. Newspaper articles evidencing the Respondent defecting to the BJP and his presence at the rally are enclosed herewith.
4. That, although no express resignation has been received by the AITC from the said Respondent, yet the conduct of the Respondent in acting and participating in the rally is prejudicial and harmful to the interests of the AITC. It is evident that the Respondent has given up membership of AITC. As per the decision of the Hon'ble Supreme Court contained in Ravi S. Naik vs. Union of India & Ors. [AIR 1994 SC 1558], even in the absence of a formal resignation from membership, an inference can be drawn from the conduct of a member that he has voluntarily given up his membership of the political party to which he belongs.

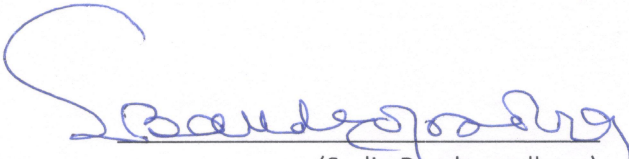
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5. In such circumstances the very act of the Respondent makes it inescapably clear that he has voluntarily given up membership of the AITC and had joined BJP, and that he is liable to be disqualified from the membership of the Lok Sabha, as per Para 2(1)(a) of the Tenth Schedule to the Constitution.
6. In the above circumstance, I request you to take necessary steps for declaration that the Respondent has become subject to disqualification under the Tenth Schedule of the Constitution of India.

Annexures to the Petition

Newspaper articles evidencing the Respondent defecting to the BJP and his presence at the rally.

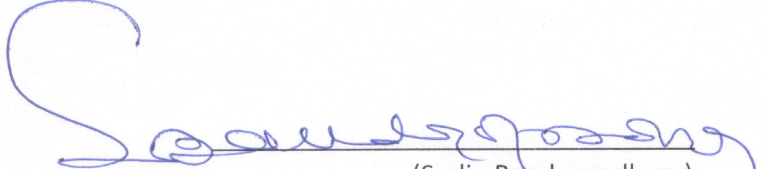
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(Sudip Bandyopadhyay)

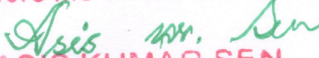
VERIFICATION

I, Sudip Bandyopadhyay, son of Late Shri Bisweswar Bandyopadhyay, am a member of the All India Trinamool Congress Party and a Member of Parliament, Kolkata Uttar (Lok Sabha Constituency) do hereby verify that the statements contained in Paragraph 1 to 4 are true to my knowledge and the rest are my submissions, and no part of it is false and nothing relevant has been concealed.

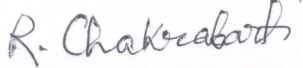
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(Sudip Bandyopadhyay)

Solemnly affirmed and declared  
before me on Identification

  
ASIS KUMAR SEN  
City Civil Court  
Kolkata  
Reg. No.-13802/18

IDENTIFIED BY ME

  
R. Chakraborty  
ADVOCATE  
WB/79/74



31 DEC 2020

