IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

Present:
Ms. Justice Fahmida Quader
And
Mr. Justice Md. Ashif Hasan

Writ Petition No. 1053 of 2026

In the matter of:

An Application under Article 102 of the Constitution of the People's Republic of Bangladesh.

And

In the matter of:

Sarowar Alamgir

…..Petitioner

-Versus-

Election Commission Bangladesh, represented by the Chief Election Commissioner, Nirbachon Bhaban, Agargon, Agargon, Dhaka-1207 and others

...Respondents

Mr. A M Mahbub Uddin Khokon, Senior Advocate with
Mr. Ahsanul Karim, Senior Advocate with
Mr. Faisal Mahmud Faizee, Senior Advocate with
Ms. Mishkatul Zannat, Advocate

..... For the petitioner

Mr. Mohammad Shishir Manir, Senior Advocate with
Mr. Azimudding Patwary, Advocate

.......For the respondent No. 5

Mr. Md. Raju Mia, Advocate

...for the Respondent Nos. 1 and 2

Mr. Nur Muhammad Azami, DAG with

Mr. SM Younus Ali Robi, DAG with

Mr. Mohiuddin Md. Hanif, AAG with

Ms. Tanzima Tul Mowla, AAG with

Ms. Maria Tanjimath, AAG with

Mr. Chandan Chandra Sarker, AAG

.....for the respondents

Heard on: 24.06.2026, 29.06.2026 and 02.07.2026
Judgment on: 09.07.2026

Fahmida Quader, J.

In this application, filed under Article 102 of the Constitution of the People's Republic of Bangladesh, Rule Nisi was issued in the following terms:-

"Let a Rule Nisi be issued calling upon the Respondents to show cause as to why the judgment and order dated 18.01.2026 passed in Election Appeal No. 624 of 2026 passed by the respondent No. 01 allowing the appeal (Annexure-F) and accordingly cancel the nomination paper of the petitioner for contesting in the 13th National Parliament Election scheduled to be held on 12.02.2026 as BNP nominated candidate from the Constituency No. 279, Chattogram-2 should not be declared to have been done without any lawful authority and is of no legal effect and/or such other or further order or orders passed as to this court may seem fit and proper."

The facts leading to disposal of the Rule, in a nutshell, is that, the petitioner, intending to contest the 13th National Parliament Election from Constituency No. 279, Chattogram-02, scheduled to be held on 12.02.2026, submitted his nomination paper together with all requisite documents, including attested copies of his educational qualification certificates, professional documents and income tax records. Upon receipt thereof, the Returning Officer issued an acknowledgment slip and after scrutiny conducted in the presence of the petitioner and his representatives, declared the nomination paper valid by order dated 02.01.2026.

Being aggrieved by the said order, respondent No. 4 preferred Election Appeal No. 624 of 2026 before respondent No. 1. Upon hearing both parties on 18.01.2026, respondent No. 1

dismissed the appeal and affirmed the order of the Returning Officer, thereby maintaining the petitioner's candidature as valid.

Thereafter, to the utter surprise of the petitioner, he came to know through the electronic media that the earlier dismissed appeal had been reopened and allowed by respondent No.1, resulting in cancellation of his nomination paper. The petitioner subsequently learnt that the appeal had allegedly been heard again at about 4:30 p.m. on the same day without any notice to or participation of the petitioner, although the impugned order erroneously recorded that he had remained present during such hearing.

It is the petitioner's case that the respondent No.1 had no jurisdiction to reopen and rehear an appeal which had already been finally disposed of after hearing both parties. According to the petitioner, if the appellant was dissatisfied with the earlier decision, the only lawful remedy was to seek appropriate relief before the Hon'ble High Court Division and not to request respondent No. 1 to review or reopen its own final order.

The petitioner was not a loan defaulter at the time of submission and scrutiny of his nomination paper. His name did not appear as a defaulting borrower in the CIB report of Bangladesh Bank and prior to filing his nomination he had obtained an injunction restraining Bangladesh Bank and the concerned financial institution from publishing or treating him as a defaulter borrower.

Consequently, the Returning Officer rightly declared his nomination paper valid.

At the initial hearing of the election appeal, respondent No. 4 failed to establish that the petitioner was a loan defaulter and, accordingly, the appeal was dismissed. Subsequently, during the second hearing allegedly held in the petitioner's absence, respondent No. 4 relied upon an order passed by the Hon'ble Judge-in-Chamber staying the earlier injunction, whereupon respondent No. 1 reversed its own earlier decision and allowed the appeal. The said stay order, having been passed after disposal of the election appeal, could not operate retrospectively so as to invalidate his nomination or alter his status as on the date of filing the nomination paper.

Even prior to filing his nomination, he had applied for rescheduling his nomination of the loan with Premier Leasing and Finance Limited and had deposited Tk. 20,00,000/- as the requisite down payment. Upon acceptance of the said payment under the relevant Bangladesh Bank circular, the financial institution was under a legal obligation to treat him as a regular borrower, and therefore, he could not lawfully be treated as a loan defaulter for the purpose of disqualification.

The impugned order dated 18.01.2024 is without lawful authority, non-speaking, arbitrary and violation of the principles of natural justice, having been passed without notice or hearing after respondent No. 1 had already finally disposed of the election appeal. Hence, being left with no other equally efficacious remedy, the petitioner has invoked the writ jurisdiction challenging the legality of the impugned order cancelling his validly accepted nomination paper.

Mr. Ehsanul Karim, learned Senior Advocate appearing on behalf of the petitioner has submitted the following arguments:

1. The impugned order was passed at the instance of the respondent No. 5 without issuing notice to or affording the petitioner an opportunity of hearing, in clear violation of the principles of natural justice.
2. Having finally disposed of Election Appeal No. 624 and affirmed the petitioner's candidature, respondent No. 1 became functus officio and lacked jurisdiction to reopen and rehear the appeal.
3. Respondent No. 1 passed two contradictory orders on the same subject matter, rendering the impugned order a colorable exercise of power actuated by malafide.
4. The petitioner was not a loan defaulter on the date of submission and scrutiny of his nomination paper. Any subsequent change in his loan status could operate only

prospectively and could not invalidate his candidature retrospectively.

5. Prior to filing his nomination paper, the petitioner was not a loan defaulter within the meaning of section 27 ka of the Bank Company Act; Therefore, this candidature could not lawfully be rejected on that ground.

6. By its earlier order passed after hearing both parties, respondent No. 1 validly recognized the petitioner's candidature, thereby confirming a vested legal right which could not subsequently be withdrawn by reopening the concluded proceeding.

7. During the second hearing, respondent No. 1 relied upon an order of the Hon'ble Judge in Chamber in the absence of the petitioner, although matter was sub judice. The impugned order, founded upon such reliance, is arbitrary, mala-fide and without lawful authority.

8. The petitioner had applied for rescheduling of the loan and deposited the requisite down payment. Upon acceptance thereof under the relevant Bangladesh Bank circular, the financial institution was legally obliged to treat him as a regular borrower. Consequently, treating him as a loan defaulter was arbitrary and without lawful basis.

9. By cancelling the petitioner's valid nomination without lawful authority and due process, the impugned order infringes the petitioner's fundamental rights guaranteed under Article 27 and 31 of the Constitution.

Learned Senior Advocate Mr. Mahbub Uddin Khokon submits that the sole question for determination is whether the petitioner was a loan defaulter on the date of submission or scrutiny of the nomination paper. Since no objection was raised at either stage, the Returning Officer rightly accepted the nomination paper and declared the petitioner a valid candidate. Therefor, there was no scope to reopen the matter. He further submits that the election appeal was not filed within the prescribed period of limitation and in a special statute, the law of limitation must be strictly complied with. Accordingly, the appeal ought to have been summarily rejected.

He also contends that the memorandum did not disclose any statutory ground as required under section 5 of the concerned Election Conduct Rules, nor did it specify the bank in respect of which the petitioner was allegedly a loan defaulter. Moreover, no new factual ground could legally be introduced at the appellate stage. As the appeal was admittedly filed on 09.02.2026, there was no lawful basis to enter or allow it by an order dated 18.01.2026.

Learned Advocate Mr. Nasiruddin submits that even if it is assumed, without admitting, that the appeal was filed within the prescribed time, Rule 5 unequivocally provides that the order passed by the Election Commission is final. Therefore, respondent No. 1 had no jurisdiction to reopen or review its earlier decision.

Learned Senior Advocate Mr. Faisal Mahmud Faizee submits that as no objection was raised either at the time of submission of the nomination paper or during its scrutiny, the nomination was lawfully accepted. He further argues that if the Election Commission passed any order in violation of section 5, the aggrieved party's remedy lay in filing writ before Hon'ble High Court Division and not by reopening and reconsidering a matter that had already attained finality.

Respondent No. 5 filed Affidavit in-Opposition and Supplementary Affidavit in Opposition. Mr. Mohammad Shishir Manir, learned Senior Advocate appearing on behalf of the respondent No. 5 submits that the instant writ petition is not maintainable in law. He contends that judicial interference in election matters under the writ jurisdiction is permissible only in exceptional circumstances, namely, where impugned action suffers from malice in law or is passed coram non judice, i.e. without jurisdiction. Neither of these exceptional grounds exists in the present case. The impugned order having been passed by the competent authority in exercise of its statutory jurisdiction, the writ petition is, therefore, not maintainable and is liable to be rejected in limine.

In this connection the learned senior Advocate refers some decisions of High Court Division as well as Hon'ble Appellate Division reported in 69 DLR (AD) 411, 69 DLR 120, 62 DLR (AD) 425, 48 DLR (AD) 128, 20 BLD 69, 16 LM (AD) 663, 1 CLR (HCD), AIR 1952 (HC) 12, 50 DLR (AD) 129 and 44 DLR (AD) 319.

He then submits that the petitioner has been a habitual and wilful loan defaulter since 2017 and continues to remain so in view of the orders passed by the Hon'ble Appellate Division. Consequently, the petitioner stood disqualified from contesting the Parliamentary Election under Article 12(1)(d)(m) of the Representation of the People Order, 1972.

He further submits that on 24.03.2021, Jamuna Bank Limited instituted Artha Rin Suit No. 101 of 2021 before the Artha-Rin-Adalat No. 1, Chattogram, for recovery of an outstanding amount of Tk. 6,47,42,079.82 against the petitioner. The suit was decreed by judgment dated 13.10.2022, with the decree signed on 17.10.2022.

Thereafter, the decree-holder bank initiated Execution Case No. 777 of 2023, which was subsequently renumbered as Execution

Case No. 1074 of 2025. The execution proceeding remains pending and as reflected in the information slip dated 28.06.2026 (Annexure-VII), the Artha-Rin-Adalat No. 3, Chattogram fixed 09.08.2026 for taking further steps in the execution case.

The learned Advocate further contends that in view of the subsisting decree and pending execution proceeding, the petitioner continues to be a loan defaulter in the eye of law and therefore remains disqualified from being elected as a Member of Parliament under Article 12(1)(d)(m) of the Representation of the People Order, 1972.

It is lastly submitted that having considered the petitioner's undisputed status as a habitual and continuing loan defaulter, respondent No. 1 rightly allowed the election appeal preferred by respondent No. 5 and cancelled the petitioner's nomination paper in accordance with law.

We have heard the learned Advocates, perused the writ petition, supplementary-affidavit, affidavit-in-opposition and the Annexures as well as case record.

At the outset, the points requiring determination in this Rule are:

Firstly, whether the instant writ petition is maintainable in a election matter in view of the objections raised by respondent No. 5.

Secondly, whether, after dismissing the appeal upon hearing both parties, the Election Commission could lawfully reopen and rehear the same appeal on the same day in the absence of the petitioner.

Thirdly, whether the petitioner was a loan defaulter on the relevant date, namely the date of submission or scrutiny of his nomination paper.

Fourthly, whether the impugned order cancelling the petitioner's nomination paper suffers from malice in law, violation of natural justice, want of jurisdiction or relevant materials.

It is undisputed that the petitioner intended to contest the 13th National Parliament Election from Constituency No 279, Chattogram-02, scheduled to be held on 12.02.2026. He submitted his nomination paper on 29.12.2025 along with necessary documents. Upon scrutiny, the Returning Officer, in the presence of the contesting candidates, accepted the nomination paper and declared the petitioner a valid candidate by order dated 02.1.2026.

Respondent No. 5 being a contesting candidate, preferred Election Appeal No.624 of 2026 before the Election Commission on 09.01.2026. The petitioner contends that the appeal was filed beyond the prescribed period of five days from the date of scrutiny under Rule 5 of the relevant Election Conduct Rules framed under the Representation of the People Order, 1972. It is further contended that no objection was raised at the time of submission or scrutiny of the nomination paper and, therefore, the petitioner's candidature having been accepted, the subsequent challenge was misconceived.

The principal objection of respondent No. 5 is that the writ petition is not maintainable in an election matter. It is submitted that in election disputes may be invoked only where there is malice in law or where the authority acts coram-non-judice and according to respondent No. 5 neither ground exists in the present case.

It is true that in election matters the writ jurisdiction is exercised with restraint. However, where the impugned action is without jurisdiction, coram-non-judice, actuated by malice in law or passed in gross violation of natural justice, the constitutional jurisdiction of this Court is not ousted. The decisions reported in 41 DLR (AD) 68, 48 DLR (AD) 208, 62 DLR (AD) 425 and 69 DLR (AD) 411 support the settled principle that writ jurisdiction may be invoked in exceptional cases where the impugned action is without lawful authority. In the present case, the petitioner has specifically alleged both coram non judice and malice in law.

We have to clarify first what is malice in law and what is coram non judice.

Malice in Law:-

Malice in Law refers to the exercise of legal power or authority for a purpose not authorized by law or on irrelevant, improper or untenable grounds. It does not require proof of personal ill-will or spite; rather, it arises when an authority acts without lawful justification or for an extraneous purpose. In the case of Dr. Nurul Alam Islam, Honorable Appellate Division defines Malice in Law as an action legally extraneous or obviously misconceived grounds of action (33 DLR (AD) 201).

Coram Non-Judice

Coram non judice is a legal doctrine which means "before a person not competent to adjudicate." Coram Non Judice means a body which is not properly constituted. It applies where a court, tribunal or authority lacks the legal jurisdiction or proper constitution to hear and decide a matter, rendering its proceedings and decision without legal effect (Ref. 53 DLR (AD) 38).

The question that now fall for determination are whether the doctrines of Malice in Law and Coram non Judice are attracted to the facts of the instant writ petition and whether in the facts and circumstances of the case, the writ petition is maintainable.

In the instant case, the principal issue before the Election Commission was whether the petitioner was a loan defaulter on the legally relevant date for determining his eligibility to contest the election. Hon'ble Appellate Division in Bangobir Kader Siddique, reported in 69 DLR (AD) 411, unequivocally held that the relevant date for determining the default status of a candidate is the date of scrutiny. Even assuming the contention advanced on behalf of respondent No. 5 that the relevant date was the day immediately preceding the submission of the nomination paper, the petitioner was not a loan defaulter on either of those dates.

In the question of default status of the petitioner, it is an admitted fact that the petitioner's name has never been enlisted in the CIB report of Bangladesh Bank. This, prima facie, gives rise to the presumption that the petitioner is not a loan defaulter as contemplated under the relevant Bank circular.

In election matters relevant dates for determining whether a candidate is disqualified as a loan defaulter is the date of submission of the nomination paper or at the latest, the date of scrutiny. The materials on record show that the petitioner submitted his nomination paper on 29.12.2025 and scrutiny was held on 02.01.2026. The materials on record further disclose that, as on 29.12.2025, when the nomination paper was submitted and on 02.01.2026 passed by the High Court Division restraining the concerned banks from showing the petitioner as a loan defaulter remained operative against all financial institutions except Jamuna Bank PLC. Moreover, the Election Commission proceeded to decide the appeal by placing reliance upon the subsequent order dated 18.01.2026, whereby the Hon'ble Judge in Chamber stayed the operation of the earlier order of the High Court Division. The said event occurred long after both the submission of the nomination paper and the scrutiny thereof. A subsequent development could not legally govern or retrospectively determine the petitioner's eligibility on the relevant statutory date. It is a settled principle that judicial orders ordinarily operate prospectively unless expressly made retrospective.

The petitioner has placed documents showing that his liabilities with Shahjalal Islami Bank PLC, Jamuna Bank PLC, Premier Leasing and Finance Ltd, Standard Bank of India and Bank Asia PLC had either been rescheduled, regularized or settled before the relevant date. No objection was raised during scrutiny by any bank, financial institution, or contesting candidate.

As regard Jamuna Bank PLC, the petitioner’s case is that the High Court Division’s earlier order restrained the concerned banks from showing him as a defaulter. Although an order of Hon’ble judge in Chamber dated 30.11.2022 related to Jamuna Bank, & the materials (Annexure 'L-L-(1)') further show that Jamuna Bank rescheduled the petitioner’s loan liability on 29.12.2025 prior to scrutiny. Thus, on the date of scrutiny, the petitioner could not be treated as a loan defaulter in respect of Jamuna Bank.

As regard Shahjalal Islami Bank PLC, the materials (Annexure 'J-K') show that the credit facility was rescheduled before submission of the nomination paper and that down payment had been made earlier. The bank also issued certificates showing regular status.

As regards Premier Leasing and Finance Limited, the petitioner deposited the required down payment and loan was regularized/rescheduled (Annexure- “M and M(1)”.

As regards Standard Bank PLC, the materials show that rescheduling on 29.12.2025 and certification on 30.12.2025 (Annexure-“O and O-(1)”. The State Bank of India certified full settlement of the loan on 24.07.2024 (Annexure-“P”). Bank Asia PLC also confirmed full and final settlement by letter dated (Annexure-“Q”). Therefore, from the document produced, the petitioner was not a loan defaulter either on 29.12.2025 or on 02.01.2026.

Respondent No. 5 relied upon the order dated 18.01.2026 passed by Hon’ble Judge-in-Chamber staying the order of the High Court Division. However, such order was passed after the relevant date of submission and scrutiny, unless expressly made retrospective, a court's order operates prospectively. The Election Commission itself proceeded on the basis that the petitioner could be considered a defaulter at that stage because of the order dated 18.01.2026. This legal reasoning is legally misconceived. A subsequent event could not retrospectively invalidate the petitioner's nomination paper which had already been scrutinized and accepted. Moreover, it appears that the said order of the Hon'ble Judge-in-Chamber was subsequently vacated/non prosecuted. And therefore the very foundation of the impugned order ceased to exist.

The contention of respondent No.5 that the petitioner is a habitual and willful defaulter cannot prevail over the contemporaneous bank documents showing rescheduling, regularization and settlement before the relevant date. Whether a candidate is a defaulter cannot be determined merely on the allegation of an interested contesting candidate. The Commission was required to obtain and consider authentic information from the concerned bank or financial institution or Bangladesh Bank. The impugned order does not reflect any such exercise.

The learned Advocate for respondent No. 5 further contended that as an Artha Rin Execution Case is still pending against the petitioner, he continues to be a loan defaulter and was, therefore, rightly disqualified from contesting the election. We are unable to accept this submission. Mere pendency of an Artha Rin Execution Case does not, by itself, establish that a person remains a loan defaulter for the purpose of election law, particularly when the concerned lending institutions themselves have subsequently regularised or fully adjusted the loan liabilities. It appears from Annexure 'J', 'K', 'L', 'L(1)', 'M', 'M-1', 'N', 'N(1)', 'O', 'O(1)', 'P', 'Q' and 'U' that the respective banks and financial institutions unequivocally certified that the petitioner's loan liabilities had either been rescheduled, regularised or fully settled prior to or on the date of submission of the nomination paper or on the date of scrutiny.

The petitioner also has specifically contended that execution proceedings were not withdrawn immediately only because the lending institutions had yet to complete the necessary procedural formalities before the execution court and that such pendency does not nullify the effect of the regularisation or settlement already approved by the competent authorities of the banks. Once the creditor banks themselves acknowledge, through official sanction letters and certificates, that the liabilities have been regularised or fully adjusted, the mere continuation of execution proceedings for administrative or procedural reasons cannot override the substantive legal position or render the petitioner a "loan defaulter" within a meaning of the applicable election laws. Therefore, the contention advanced by respondent No. 5 on this score is misconceived, devoid of legal substance.

By taking into account an event wholly subsequent to the relevant date and by ignoring the binding decision of the Hon'ble Appellate Division, the subsisting orders of the High Court Division, and the documentary evidence furnished by the concerned banks, the Election Commission founded its decision upon considerations wholly foreign to the issue requiring determination.

Such exercise of statutory power was based on legally misconceived and extraneous considerations rather than the governing legal principles.

Accordingly, this Court is of the considered view that the impugned decision is vitiated by malice in law, as the Election Commission exercised its statutory jurisdiction on irrelevant and legally untenable grounds, thereby rendering the impugned order unsustainable in law.

It appears from the materials on record and from the statement of learned Advocate appearing for Election Commission that the Election Commission heard the appeal at about 12:00 noon on 18.01.2026 and dismissed the same, thereby affirming the order of the Returning Officer. Thereafter, and that result of dismissing appeal had been shown in the digital computer board. Thereafter, on the same day at about 4:30 p.m., the Election Commission purportedly reopened and reheard the appeal in the absence of the petitioner and allowed the same by cancelling the petitioner's nomination paper.

Even if, for the sake of argument, the appeal is treated as maintainable, the Election Commission, after hearing both parties, dismissed the appeal at 12:00 noon on 18.01.2026. Thus the said order attained its finality under Article 14(5) of the Representation of the People Order, 1972 (RPO). Once such final order was passed, the Election Commission became functus officio in respect of that appeal. No provision has been shown which authorizes the Election Commission to review, reopen or rehear an election appeal already disposed of. The power of review is a creature of statute and cannot be exercised in the manner of inherent power unless expressly conferred. The Election Commission had no authority to review its own decision and thus the impugned order passed by the Election Commission is a glaring example of coram non judice. Therefore, the subsequent rehearing at 4:30 p.m. on the same day was without jurisdiction.

The further submission of respondent No. 5 that, after completion of election, the petitioner's remedy lies only by way of an election petition under Article 49 to 72 of the Representation of the People Order, 1972, also does not assist the respondent. The present writ petition was filed challenging the legality of the pre-election order cancelling the petitioner's nomination paper and this Court had already entertained the matter and issued Rule with interim direction. Hon'ble Appellate Division did not interfere with the interim order and the petitioner contested and won the election. The issue before this court is not merely an election result dispute but whether the impugned administrative/quasi-judicial order of the Election Commission was passed without lawful authority. Therefore, the objection on this score is rejected.

We also find that the impugned order is non-speaking. It does not properly address the date of scrutiny, the limitation point, the absence of statutory power of review, the petitioner's bank documents.

The Returning Officer, upon scrutiny held on 02.01.2026, declared the petitioner a valid candidate. Under Rule 5 of the Election Management Rules 2008, any person aggrieved by the scrutiny order was required to prefer an appeal within five days, making 07.01.2026 the last date for filing the appeal. It is undisputed that the Election Commission remained functional throughout the relevant period, including Friday weekly holidays.

The learned Senior Advocate for respondent No. 5, relying on the Gazette Notification dated 11.12.2025, contended that appeals could be filed between 05.01.2026 and 11.01.2026. But the Gazette merely prescribes the general election schedule, whereas the limitation for filing an appeal is governed by Rule 5, which runs from the date of scrutiny and, therefore, varies from candidate to candidate.

In the present case, scrutiny was completed on 02.01.2026, whereas respondent No. 5 filed Election Appeal No. 624 of 2026 only on 09.01.2026, beyond the statutory period of limitation. Consequently, the appeal was time barred and Election Commission, by entertaining and deciding such appeal, exercised jurisdiction not vested in law. The impugned action is, therefore, coram non judice.

In view of the foregoing discussion, we are of the considered opinion that the impugned order passed by the Election Commission is without lawful authority and is of no legal effect. Consequently, the Rule has merit and deserves to be made absolute.

In the light of above discussion, firstly, we hold that the instant writ petition maintainable notwithstanding that the dispute arises out of an election matter. In the facts and circumstances of the present case, the impugned action is vitiated by malice in law and coram non judice, having been passed without lawful authority, in excess of jurisdiction and violation of the principles of natural justice. In such exceptional circumstances, the constitutional writ jurisdiction of this Court is clearly maintainable.

Secondly, we hold that after dismissing the appeal upon hearing of both parties, the Election Commission had no lawful authority to reopen and rehear the same appeal on the same day in the absence of the petitioner. Such reconsideration, without notice or opportunity of hearing was procedurally unlawful and offended the principles of natural justice.

Thirdly, the materials on record do not establish that the petitioner was a loan defaulter on the relevant date, namely, the date of submission or scrutiny of the nomination paper. In particular, the absence of the petitioner's name from the CIB report of Bangladesh Bank prima facie supports the conclusion that he was not a defaulter under the applicable circulars.

In view of the foregoing discussion, we are of the considered opinion that the impugned order passed by the Election Commission is without lawful authority and is of no legal effect. Consequently, the Rule has merit and deserves to be made absolute.

Accordingly, the Rule is made absolute.

The impugned order dated 18.01.2026 passed by respondent No. 1 in Election Appeal No. 624 of 2026, cancelling the petitioner's nomination paper for contesting the 13th National Parliament Election from Constituency No. 279, Chattogram, is hereby declared to have been passed without lawful authority and is of no legal effect.

The interim order granted earlier by this Court is hereby recalled and vacated.

There will be no order as to costs.

Md. Ashif Hasan, J.

I agree.

BO-Monir