

## Appellate court sets aside S'gor's injunction against EC

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The Court of Appeal has today unanimously set aside an injunction granted to the Selangor government to stop the Election Commission (EC) from submitting its redelineation report to the prime minister.

This came after a three-member bench led by Justice Umi Kalthum Abdul Majid allowed the EC's appeal against the July 5 [decision](#) by Justice Azizul Azmi Adnan of the High Court in Kuala Lumpur.

However, the Selangor government still has a stay against the EC to conduct the local inquiries pending the outcome of Justice Azizul 's decision on the state's judicial review application, which will be heard on merits on Dec 7.

The EC has also admitted that it cannot submit the redelineation report without Selangor, as the state is part of the Peninsular Malaysia.

There can only be three delimitation reports handed to the prime minister, namely on Sabah, Sarawak and the peninsula.

Justice Umi Kalthum ruled that the appeal is allowed with no order as to costs. The other judges were Justice Ahmadi Asnawi and Justice Suraya Othman.

### **Bid to recuse judge dismissed**

Earlier, Justice Umi Kalthum also dismissed an application by the Selangor government to recuse herself from hearing the appeal as she was on the bench at the Court of Appeal, which allowed EC's appeal against several voters from Malacca.

Senior lawyers Cyrus Das and Ambiga Sreenevasan argued that the case involving [Malacca voters](#) was similar to the Selangor case.

Dismissing the oral application for recusal, Justice Umi Kalthum said this was just an issue of an injunction, which would not affect the outcome of the Selangor government's case.

Senior federal counsel Amarjeet Singh, who led the EC's team of lawyers, said the injunction granted by the High Court had prevented other states from conducting their local inquiries.

"Furthermore, the Selangor government is preventing a constitutional body like the EC from doing its job on the redelineation," Amarjeet said.

However, Cyrus explained why the Selangor government had to go ahead with the injunction application.

"The matter (that the report cannot be handed to the prime minister) came to light in court when this was disclosed by the senior federal counsel, and not through an affidavit," he said.

Based on past experiences with Batu Lintang assemblyperson [See Chee How's case](#), Cyrus said for assurance, they applied for an injunction.

Cyrus also clarified that the injunction granted to the Selangor government does not bar other states from holding their local inquiries, as claimed by Amarjeet.

### **'No damage and injury to EC'**

Ambiga further argued that in See's case, the High Court in Kuching allowed the judicial review application but this was overturned by the Court of Appeal.

However, on reaching the Federal Court, the matter became academic when leave was not granted as the redelineation report had been handed over to the prime minister.

This led to Justice Suraya responding that in See's case, there was no application for a stay, but in the Selangor government's case, a stay was already granted pending the disposal of the hearing on merits.

With this, Cyrus submitted that there was nothing wrong for the injunction to be given as the High Court was scheduled to give its decision on Selangor's judicial review application on Dec 7, which is a month away.

"What is the damage and injury that the EC is talking about," he asked.

After hearing the submissions, the appellate court ruled against the Selangor government.

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