# <u>ORDER</u>

No.SEC/3ME/2018/1712

Dated: 21.03.2018

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses.

7. As reported by the Deputy Commissioner, Karnal, the following candidates had contested the election of Municipal Committee, Nilokheri but failed to submit their election expenditure account within the prescribed time or thereafter:-

Sr. No.	Name of Candidate	Ward No.
1.	Seema	4
2.	Dharam Pal	5
3.	Rajeev Kumar	5
4.	Taro Devi	6
5.	Seema Rani	6
6.	Maman	7
7.	Prasan Kaur	8
8.	Satnam Singh s/o Balkar Singh	9
9.	Gurbaksh Singh	12
10.	Pramjeet Kaur	12

- 8. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal.
- 9. The above mentioned contesting candidates neither appeared nor bothered to respond to the show cause notice in spite of service thereof through the District Administration. Therefore, it can be concluded that they have nothing to say in the matter. The above noted candidates deserve to be disqualified. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, hereby order that all the above ten candidates are disqualified under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated :- 21.03.2018

Endst. No. SEC/3ME/2018/1713-1727

A copy is forwarded to the following for information and necessary action:-

1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.

- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.
- 4. Secretary, Municipal Committee, Nilokheri.
- 5. Candidate concerned.
- 6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

### <u>ORDER</u>

No.SEC/3ME/2018/1728 Dated: 21.03.2018

Subject :- Disqualification of Smt.Anjana Rani, contesting candidate from Ward No.8 of Municipal Commitee, Nilokheri.

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the

As reported by the Deputy Commissioner, Karnal, the above mentioned candidate had contested the election from Ward No.8 of Municipal Commitee, Nilokheri but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal. The above said candidate appeared for personal hearing and submitted the following:-

"She had not submitted the expenditure statement in MC office and she had spent Rs.12180/- and now depositing the expenditure statement."

- 8. After personal hearing, the order was announced.
- On perusal of record of the case and after hearing of the candidate, I am satisfied that she has not given good reason or justification for the failure. Section 13(D) and Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 are mandatory and time limit of thirty days for lodging account of election expenses from the date of election result cannot be condoned without proof of good reason or justification for the failure. Hence, she has not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and is liable for disqualification under Section 13(D). Further, the expenditure file submitted today wasn't maintained by her at the time of elections which is again a violation of Section 13(E) of the Act. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 hereby order that Smt.Anjana Rani be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated :- 21.03.2018

Endst. No. SEC/3ME/2018/1729-1734

- 1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.
- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.
- 4. Secretary, Municipal Committee, Nilokheri.

- 5. Candidate concerned.
- 6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

### <u>ORDER</u>

No.SEC/3ME/2018/1735 Dated: 21.03.2018

Subject :- Disqualification of Sh.Bhupesh Juneja, contesting candidate from Ward No.11 of Municipal Commitee, Nilokheri.

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the

As reported by the Deputy Commissioner, Karnal, the above mentioned candidate had contested the election from Ward No.11 of Municipal Commitee, Nilokheri but failed to submit his election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon him to explain as to why he should not be disqualified on account of non submission of election expenditure account within the period. He neither submitted his election expenditure statement nor responded to the show cause notice. I, had given him personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal. The above said candidate appeared for personal hearing and submitted the following:-

"He had not submitted the expenditure statement in MC office and he had spent Rs.7090/- and now depositing the expenditure statement."

- 8. After personal hearing, the order was announced.
- On perusal of record of the case and after hearing of the candidate, I am satisfied that he has not given good reason or justification for the failure. Section 13(D) and Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 are mandatory and time limit of thirty days for lodging account of election expenses from the date of election result cannot be condoned without proof of good reason or justification for the failure. Hence, he has not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and is liable for disqualification under Section 13(D). Further, the expenditure file submitted today wasn't maintained by him at the time of elections which is again a violation of Section 13(E) of the Act. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 hereby order that Sh.Bhupesh Juneja be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated :- 21.03.2018

Endst. No. SEC/3ME/2018/1736-1741

A copy is forwarded to the following for information and necessary action:-

1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.

- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.
- 4. Secretary, Municipal Committee, Nilokheri.

- 5. Candidate concerned.
- 6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

### <u>ORDER</u>

No.SEC/3ME/2018/1742 Dated: 21.03.2018

Subject:- Disqualification of Sh.Jaspal, contesting candidate from Ward No.9 of Municipal Commitee, Nilokheri.

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the

As reported by the Deputy Commissioner, Karnal, the above mentioned candidate had contested the election from Ward No.9 of Municipal Commitee, Nilokheri but failed to submit his election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon him to explain as to why he should not be disqualified on account of non submission of election expenditure account within the period. He neither submitted his election expenditure statement nor responded to the show cause notice. I, had given him personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal.The above said candidate appeared for personal hearing and submitted the following:-

"He had not submitted the expenditure statement in MC office and he had spent Rs.10630/- and now depositing the expenditure statement."

- 8. After personal hearing, the order was announced.
- On perusal of record of the case and after hearing of the candidate, I am satisfied that he has not given good reason or justification for the failure. Section 13(D) and Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 are mandatory and time limit of thirty days for lodging account of election expenses from the date of election result cannot be condoned without proof of good reason or justification for the failure. Hence, he has not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and is liable for disqualification under Section 13(D). Further, the expenditure file submitted today wasn't maintained by him at the time of elections which is again a violation of Section 13(E) of the Act. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 hereby order that Sh.Jaspal be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated :- 21.03.2018

Endst. No. SEC/3ME/2018/1743-1748

- 1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.
- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.
- 4. Secretary, Municipal Committee, Nilokheri.

- 5. Candidate concerned.
- 6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

### **ORDER**

No.SEC/3ME/2018/ Dated:

An application dated 27.04.2018 was received in the office of State Election Commissionm Haryana from Smt. Meena W/o Sh. Krishan Kumar in which she has requested to review the orders dated 21.03.2018 pertaining to her disqualification passed by competent authority for non submission of election expenses within stipulated time.

2. Brief facts of the case are that the petitioner Smt.Meena w/o Sh.Krishan Kumar contested the election from ward No.6 of Municipal Committee, Nilokheri in the year 2013. The Deputy Commissioner, Karnal vide Memo No.135/LFA dated 08.01.2014 intimated this Commission that Smt.Meena had not lodged election expenses statement within prescribed period as required under law. Therefore, the State Election Commission, Haryana vide letter No. SEC/3ME/2014/349 dated 29.01.2014 sent the copies of the Show Cause Notice dated 28.01.2014 to the Deputy Commissioner, Karnal with the request to deliver the same to each candidate mentioned therein. In the said Show Cause Notice it was asked from the defaulting candidates including Smt.Meena (applicant) to explain within a period of 15 days from the receipt of communication, as to why they should not be disqualified from contesting the election for a period of three years from the date of issue of order mandate for not lodging the election expenditure statement within a stipulated time period as in the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. But, Smt. Meena did not reply to the show cause notice. The Commission thereafter vide letter No. SEC/3ME/2018/665 dated 12.02.2018 intimated Deputy Commissioner, Karnal that the Commission had decided to give an opportunity of personal hearing to the contesting candidates of the municipalities including Municipal Committee, Nilokheri before taking decision. The request was thus made to intimate the candidates including Smt. Meena to appear before District Attorney, State Election Commission, Haryana in the PWD Rest House, Karnal on 27.02.2018 Smt. Meena appeared for personal hearing and submitted she had deposited the expenditure register after the show cause notice dated 28.01.2014. The MC official verified that she had submitted the expenditure register on 29.01.2014.

On perusal of record of the case and after hearing of the candidate, the competent authority found that Smt. Meena had not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and found her liable to be disqualified under Section 13(D) of the Haryana Muicipal Act, 1973. Accordingly Smt. Meena was disqualified vide order dated 21.03.2018 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

- 3. The petitioner vide her application dated 27.04.2018 filed review petition against the said orders. During hearing, the petitioner requested to stay the operation of the said order since she interested to cotest the municipal elections due to be held on 13.05.2018.
- 4. However, in view of the request dated 27.04.2018 of Smt. Meena, undersigned vide order dated 02.05.2018 stayed the order dated 21.03.2018 subject to the outcome of the review petition. The petition was adjourned for 16.05.2018 with a direction to the petitioner (Smt. Meena) to appear before undersigned alongwith proof in favour of her claim. The Deputy Commissioner, Karnal was also asked to depute the concerned officer with record to verify the claim of the petitioner. Smt. Meena did not appear on the said date. Thereafter the petitioner was again informed telephonically on 16.05.2018 by the Superintendent of Municipal Branch to appear before undersigned on 23.05.2018 at 11.00 A.M. As on the said date undersigned was on official tour, the case was adjourned to 01.06.2018. On 01.06.2018 Smt. Meena did not appear and on inquiry through telephone she told that she could not appar due to the death of her uncle. Taking lenient view, the case was again adjourned to 08.06.2018 and petitioner was accordingly intimated vide letter No. SEC/3ME/2018/3818 dated 01.06.2018 to appear before undersigned on 08.06.2018 at 11.30 A.M., otherwise ex-party decision shall be taken. Smt. Meena did not appear before undersigned on the said date i.e. 08.06.2018 also despite the fact that she was sufficiently intimated about it telephonically as well as through notice.
- 4. In view of above, it is clear that since filing review petition, the petitioner (Smt. Meena) appeared once despite the fact that the case was adjourned time and again on her request, which shows that petitioner is not interested to persue her review petition and willfully avoiding her presence. Hence I, Dr. P.K. Sharma, Secretary, State Election Commission, Haryana, hereby dismiss in default, the review petition of Smt. Meena S/o Sh. Krishan Lal contesting candidate from W. No. 6 of Municipal Committee, Nilokheri.

P.K.Sharma Secretary State Election Commission, Haryana

### <u>ORDER</u>

No.SEC/3ME/2018/1749 Dated: 21.03.2018

Subject:- Disqualification of Smt.Meena, contesting candidate from Ward No.6 of Municipal Commitee, Nilokheri.

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the

As reported by the Deputy Commissioner, Karnal, the above mentioned candidate had contested the election from Ward No.6 of Municipal Commitee, Nilokheri but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal. The above said candidate appeared for personal hearing and submitted the following:-

"She had deposited the expenditure register after the show cause notice dated 28.01.2014. The MC official verified that she had submitted the expenditure register on 29.01.2014."

- 8. After personal hearing, the order was announced.
- 9. On perusal of record of the case and after hearing of the candidate, I am satisfied that she has not given any good reason or justification for the delay. Section 13(D) and Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 are mandatory and time limit of thirty days for lodging account of election expenses from the date of election result cannot be condoned without proof of good reason or justification for the failure. Hence, she has not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and is liable for disqualification under Section 13(D). Further, the expenditure file submitted today wasn't maintained by her at the time of elections which is again a violation of Section 13(E) of the Act. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 hereby order that Smt.Meena be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated :- 21.03.2018

Endst. No. SEC/3ME/2018/1750-1755

- 1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.
- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.

- 4. Secretary, Municipal Committee, Nilokheri.
- 5. Candidate concerned.
- 6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

### <u>ORDER</u>

No.SEC/3ME/2018/1756 Dated: 21.03.2018

Subject:- Disqualification of Smt.Rani, contesting candidate from Ward No.6 of Municipal Commitee, Nilokheri.

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the

As reported by the Deputy Commissioner, Karnal, the above mentioned candidate had contested the election from Ward No.6 of Municipal Commitee, Nilokheri but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal. The above said candidate appeared for personal hearing and submitted the following:-

"She had submitted the expenditure statement in MC office. The MC official verified that she had not submitted the expenditure register as per their record."

- 8. After personal hearing, the order was announced.
- 9. On perusal of record of the case and after hearing of the candidate, I am satisfied that Section 13(D) and Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 are mandatory and time limit of thirty days for lodging account of election expenses from the date of election result cannot be condoned without proof of good reason or justification for the failure. Hence, she has not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and is liable for disqualification under Section 13(D). Further, the expenditure file submitted today wasn't maintained by her at the time of elections which is again a violation of Section 13(E) of the Act. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 hereby order that Smt.Rani be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated: - 21.03.2018

Endst. No. SEC/3ME/2018/1757-1762

- 1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.
- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.
- 4. Secretary, Municipal Committee, Nilokheri.
- 5. Candidate concerned.

6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

### <u>ORDER</u>

No.SEC/3ME/2018/1763 Dated: 21.03.2018

Subject :- Disqualification of Sh.Satish Kumar, contesting candidate from Ward No.7 of Municipal Commitee, Nilokheri.

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the

As reported by the Deputy Commissioner, Karnal, the above mentioned candidate had contested the election from Ward No.7 of Municipal Commitee, Nilokheri but failed to submit his election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon him to explain as to why he should not be disqualified on account of non submission of election expenditure account within the period. He neither submitted his election expenditure statement nor responded to the show cause notice. I, had given him personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal. The above said candidate appeared for personal hearing and submitted the following:-

"He had contested the election but due to some reason was not able to deposit the expenditure statement and now depositing in original Section."

- 8. After personal hearing, the order was announced.
- 9. On perusal of record of the case and after hearing of the candidate, I am satisfied that he has not given good reason or justification for the failure. 13(D) and Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 are mandatory and time limit of thirty days for lodging account of election expenses from the date of election result cannot be condoned without proof of good reason or justification for the failure. Hence, he has not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and is liable for disqualification under Section 13(D). Further, the expenditure file submitted today wasn't maintained by him at the time of elections which is again a violation of Section 13(E) of the Act. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 hereby order that Sh.Satish Kumar be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated :- 21.03.2018

Endst. No. SEC/3ME/2018/1764-1769

- 1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.
- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.

- 4. Secretary, Municipal Committee, Nilokheri.
- 5. Candidate concerned.
- 6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973

### <u>ORDER</u>

No.SEC/3ME/2018/1770 Dated: 21.03.2018

Subject :- Disqualification of Smt.Sunita Devi, contesting candidate from Ward No.6 of Municipal Commitee, Nilokheri.

The General Election of Municipal Committee, Nilokheri was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

- 2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
- 3. State Election Commission issued Notification No.SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.
- 4. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person
  - (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
  - (b) has no good reason or justification for the failure

- 5. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Nilokheri and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.
- 6. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized District Attorney, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the

As reported by the Deputy Commissioner, Karnal, the above mentioned candidate had contested the election from Ward No.6 of Municipal Commitee, Nilokheri but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 27.02.2018 in the PWD Rest House, Karnal in the interest of natural justice vide letter No.SEC/3ME/2018/665, dated 12.02.2018. Sh.Balbir Singh, Secretary, Municipal Committee, Nilokheri represented the Deputy Commissioner, Karnal. The above said candidate appeared for personal hearing and submitted the following:-

"She had not submitted the expenditure statement due to illness after the election."

- 8. After personal hearing, the order was announced.
- On perusal of record of the case and after hearing of the candidate, I am satisfied that she has not given any proof of illness. Section 13(D) and Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 are mandatory and time limit of thirty days for lodging account of election expenses from the date of election result cannot be condoned without proof of good reason or justification for the failure. Hence, she has not complied with the mandatory provision of Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and is liable for disqualification under Section 13(D). Further, the expenditure file submitted today wasn't maintained by her at the time of elections which is again a violation of Section 13(E) of the Act. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Clause 5(6) of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 and Section 10 A of the Representation of People Act, 1951 hereby order that Smt.Sunita Devi be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.
- 10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Karnal immediately.

Dated, Panchkula the 16<sup>th</sup> March, 2018

Anil Kumar Aggarwal District Attorney State Election Commission, Haryana

Dated :- 21.03.2018

Endst. No. SEC/3ME/2018/1771-1776

- 1. The Principal Secretary, Haryana Government, Urban Local Bodies Department, Haryana.
- 2. Director, Urban Local Bodies Department, Haryana, Panchkula.
- 3. Deputy Commissioner, Karnal.
- 4. Secretary, Municipal Committee, Nilokheri.

- 5. Candidate concerned.
- 6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 13D of the Haryana Municipal Act, 1973