



STATE ELECTION COMMISSION, HARYANA

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ORDER

The General Election of Municipal Corporation, Panipat was held on 16.12.2018 and the result of the elected candidates was declared on 19.12.2018.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, 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. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No. SEC/3ME/2017/879, dated 18.05.2017 and notification No. SEC/3ME/2018/5582, dated 14.11.2018 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs.5,00,000/- for the member and Rs.20,00,000/- for the Mayor that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Panipat 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.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9(1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant

State Election Commissioner, State Election Commission, Haryana vide order No.SEC/1ME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses within the prescribed time.

6. As reported by the Deputy Commissioner, Panipat, the following candidates had contested the election of Municipal Corporation Panipat held on 16.12.2018 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Father/Husband's Name	Post/Ward No.
1.	Bharti	Ram Niwas	Mayor
2.	Priyanka	Giani Ram	Mayor
3.	Sudesh	Ajay	1
4.	Mange Ram	Sukhvira	2
5.	Shamsher Singh	Bheem Singh	2
6.	Om Parkash	Dariyav Singh	2
7.	Neesha	Raj Kumar	3
8.	Geeta Rani	Sandeep Singh	3
9.	Raina	Mukesh Kumar	3
10.	Kashish	Rajender	4
11.	Pushpender	Sube Singh	4
12.	Sukesh Kumar	Shyam Lal	5
13.	Baljinder Singh	Joginder Singh	5
14.	Naresh Kumar	Babu Ram	6
15.	Vijay Kumar	Prem Chand	6
16.	Subhash Chander	Ramdas	7
17.	Ashish Kumar	Tilak Raj	12
18.	Jitender Kumar	Shri Niwas Sharma	12
19.	Ruby	Charandas	15
20.	Sonia	Surender	16
21.	Gunwati	Satbir	17
22.	Santosh	Harish Chand	17
23.	Manju	Rakesh	17
24.	Meenakshi Katariya	Ramesh Kataria	19
25.	Poonam	Som Dutt	19
26.	Aarti	Sunny Paharhiya	19
27.	Hem Lata	Ram Niwas	19
28.	Rajesh	Ishwar Singh	21
29.	Neelam Rani	Satish Kumar	22
30.	Sushma	Lakhwinder	24
31.	Nidhi	Bhagat Singh	24
32.	Kanta Devi	Tara Chand	24
33.	Rekha	Raj Kumar	24
34.	Mamta Rani	Sushil Kumar	24
35.	Babli	Amit	25
36.	Asha	Bittu	25
37.	Sohan Lal	Balbir	26

7. 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 an opportunity of personal hearing

on 14.12.2020 at 12.30 PM in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula in the interest of natural justice. The Executive Officer, Municipal Corporation, Panipat was present and submitted letters dated 11.12.2020. It has been observed that notice of personal hearing has been delivered to all the candidates in person or through their family members.

9. The contesting candidates mentioned at Sr.No.2 to 7, 9 to 31 and 33 to 37 neither appeared before me nor filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified.

10. Candidates mentioned at Sr.No.1, 8 and 32 did not appear for personal hearing. Expenditure register of candidate mentioned at Sr.No.1 has sent a representation stating therein that:-

"I Bharti daughter of late Sh.Ram Niwas, contested the election for Mayor of Municipal Corporation, Panipat. I would like to tell you that my father look after the election expenditure during the election but he expired on 25.06.2020 so he did not told me about the election expenditure and unable to submit the election expenditure. I am also clarified here that I will not contest any election in the future and do not bother any more regarding this."

In view of report of the Deputy Commissioner, Panipat, it is concluded that the said candidate has failed to file her election expenditure statement within the prescribed time limit and deserves to be disqualified.

11. Candidate mentioned at Sr.No.8 has submitted her election expenditure statement on 19.03.2019 but did not appear for personal hearing and submitted a representation vide which she informed that after losing the election she was not aware about the rules in the matter but she had not submitted any reason in this regard, hence presumed that she has failed to file her election expenditure within the prescribed time limit and deserve to be disqualified.

12. Candidate mentioned at Sr.No.32 did not appear for personal hearing. The Deputy Commissioner, Panipat vide its letter dated 07.12.2020 has send election expenditure register submitted by the said candidate but has not explained the reason of filing election expenditure statement beyond prescribed time limit. Thus it is presumed that the said candidate has failed to file her election expenditure statement within the prescribed time limit and deserves to be disqualified.

13. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 37 candidates mentioned in para 6 are disqualified under section 8E of the Haryana Municipal Corporation Act, 1994 for being

chosen as, and for being a member of Municipality for a period of five years from the date of this order.

15. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Panipat immediately.

Dated, Panchkula
The 12th March, 2021

Parmal Singh
Asstt.State Election Commissioner, Haryana

Endst. No. SEC/3ME/2021/689-730

Dated :- 17.03.2021

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, Panipat.
4. Municipal Commissioner, Municipal Corporation, Panipat.
5. Candidate concerned.
6. The Controller, Printing & Stationery Department, Haryana. He is requested notify in the Haryana Government Gazette as required under Section 8E of the Haryana Municipal Corporation Act, 1994.



(Pushkar Dutt)
Superintendent/MC
State Election Commission, Haryana