

**STATE ELECTION COMMISSION HARYANA
NIRVACHAN SADAN, PLOT NO.2, SECTOR 17,
PANCHKULA**

ORDER

No.SEC/3ME/2019/1521

Dated: 11.07.2019

The General Election of Municipal Committee, Pehowa was held on 22.05.2016 and the result of the elected candidates was declared 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. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 (applicable at the time of election) 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

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No.SEC/3ME/2015/619, dated 03.06.2015 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.75,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Pehowa 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 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana vide order No.SEC/1ME/2017/2017, dated 01.12.2017 and further modified vide order No.SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

6. As reported by the Secretary, Municipal Committee, Pehowa, Sh.Rajesh Kumar had contested the election of Municipal Committee, Pehowa held on 22.05.2016 but failed to submit his election expenditure account.

7. 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 an opportunity of personal hearing on 03.06.2019 in the office of State Election Commission, Haryana, Nirvachan Sadan, Plot No.2, Sector-17,

Panchkula in the interest of natural justice. Sh.Sultan Singh, Clerk, Municipal Committee, Pehowa was present during hearing who has submitted a copy of letter dated 28.05.2019 vide which the notice of personal hearing were delivered to the said candidate. It has been observed notice of personal hearing has been delivered in person or through his family member.

8. During personal hearing, Sh.Rajesh Kumar submitted that he will submit his election expenditure in the office of State Election Commission, Haryana within one week. Candidate submitted his election expenditure statement on 18.06.2019 alongwith reason of submitting the election expenditure statement beyond prescribed time limit. Sh.Rajesh Kumar informed that he is not aware of the rules in the matter. The expenditure statement has been got examined and the expenditure so incurred has been found to be within limit of expenditure prescribed in this regard. So far as filing the expenditure statement beyond prescribed time limit is concerned reply filed by the said candidate has been examined and found to be satisfactory and allowed to filed his expenditure statement beyond the time limit under section 10A(b) of the Representation of People Act,1951 and show cause notice issued to Sh.Rajesh Kumar, Ward No.2 in this regard shall be treated as withdrawn.

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

Dated, Panchkula
The 10th July, 2019

Parmal Singh
Asstt.State Election Commissioner, Haryana

Endst. No. SEC/3ME/2019/1522-1526

Dated :- 11.07.2019

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, Kurukshetra.
4. Secretary, Municipal Committee, Pehowa.
5. Sh.Rajesh Kumar, Contesting Candidate, Ward No.2, Municipal Committee, Pehowa.

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