



State Election Commission, Haryana

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ORDER

No.SEC/3ME/2020/585

Dated: 20.03.2020

The General Election of Municipal Council, Thanesar was held on 25.05.2016 and the result of the election 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. 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

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. 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.1,00,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Council, Thanesar 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 Executive Officer, Municipal Council, Thanesar, the following candidates had contested the election of Municipal Council, Thanesar held on 25.05.2016 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Ward No.
1.	Sunil Kumar	1
2.	Sunita Sharma	3
3.	Kamal Kumar	4

4.	Reena Devi	4
5.	Naresh Kumar	5
6.	Sunny	5
7.	Rajender Sharma	6
8.	Rajender Kumar	6
9.	Jaswinder Singh	8
10.	Mahesh Kumar	8
11.	Sonu Rani	10
12.	Vijay Laxmi	10
13.	Sanjeev Kumar	12
14.	Nishi Gupta	16
15.	Kamlesh	17
16.	Bala Rani	17
17.	Vivek Kumar	22
18.	Ratan Lal	23
19.	Neetu Rani	24
20.	Shabana Begum	25
21.	Charu Sharma	26
22.	Babita	26
23.	Navneet Teka	26
24.	Rekha Rani	26
25.	Alok Sharma	27
26.	Gopal Gaud	28
27.	Sohan Lal	28
28.	Nepal Singh	28
29.	Jyoti Sharma	29
30.	Naincy	30
31.	Pawan Kumar	31

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. Neither they submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 02.03.2020 at 12.00 Noon in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula. Sh.Mahinder Singh, Clerk, Municipal Committee, Thanesar was appeared who has submitted a copy of letter dated 27.02.2020 vide which notice of personal hearing were delivered to the said candidates. It has been observed that notice of personal hearing has been delivered to all the 36 candidates in person or through their family members.

8. The above mentioned contesting candidates 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. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above 31 candidates are disqualified under Section 13D of the Haryana Municipal Act, 1973 read with Section 10A 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.

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

Dated, Panchkula
The 19th March, 2020

Parmal Singh
Asstt.State Election Commissioner, Haryana

Endst. No. SEC/3ME/2020/586-621

Dated :- 20.03.2020

- 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. Executive Officer, Municipal Council, Thanesar.
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.

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

ORDER

No.SEC/3ME/2020/622

Dated: 20.03.2020

The General Election of Municipal Council, Thanesar was held on 25.05.2016 and the result of the election 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. 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

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.1,00,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Council, Thanesar 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 above said municipality, who failed to lodge their account of election expenses.

6. As reported by the Executive Officer, Municipal Council, Thanesar, Sh.Gaurav Kumar had contested the election from Ward No.25 of Municipal Council, Thanesar during the general election held on 25.05.2016 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. Neither he submitted his election expenditure statement nor responded to the show cause notice. I, had given him personal hearing on 02.03.2020 at 12.00 Noon in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula. Sh.Mahinder Singh, Clerk, Municipal Committee, Thanesar. The above said candidate appeared for personal hearing, he has verbally informed that more time be given to him for submission of his written statement. After hearing he was given 09.03.2020 for submitting his explanation but he has not submitted his expenditure statement or any submission.

7. After personal hearing, the order was announced.

8. On perusal of record of the case and after hearing of the candidate, I am satisfied that the above said candidate has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate has submitted no good reason or justification for his failure to submit election expenditure account. Therefore, he deserves to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 hereby order that **Sh.Gaurav Kumar** is disqualified for being chosen as, and for being a member of municipality for a period of three years from the date of this order.

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

Dated, Panchkula
the 19th March, 2020

Parmal Singh
Asstt.State Election Commissioner, Haryana

Endst. No. SEC/3ME/2020/623-628

Dated :- 20.03.2020

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. Executive Officer, Municipal Council, Thanesar.
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.

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