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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

"NIRVACHAN SADAN" PLOT NO. 2, SECTOR – 17, PANCHKULA,

HARYANA – 134109

Order

The 15th May, 2020

No. SEC/3ME/2020/775.— The General Election of Municipal Committee, Kalayat was held on 13.05.2018 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 13F of the Haryana Municipal Act, 1973 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/2017/912, dated 18.05.2017 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.2,00,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Kalayat 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 Deputy Commissioner, Kaithal, the following candidates had contested the election of Municipal Committee, Kalayat held on 13.05.2018 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Father/Husband Name	Ward No.
1.	Ashish	Sushil	2
2.	Rajbir	Om Parkash	2
3.	Rajesh	Shyam Singh	2
4.	Renu	Rajesh Kumar	2
5.	Seema Devi	Parveen Kumar	2
6.	Rakesh Kumar	Ram Swarup	4
7.	Radhey Shyam	Niranjan Das	9
8.	Surat Singh	Ramparshad	11

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 24.02.2020 in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector 17, Panchkula in the interest of natural justice. Sh.Suresh, Computer Operator, Municipal Committee, Kalayat was present during hearing who has submitted a copy of letter dated 12.02.2020 *vide* which the notice of personal hearing were delivered to the said candidates. It has been observed notice of personal hearing has been delivered 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 8 candidates are disqualified under Section 13F of the Haryana Municipal Act, 1973 for being chosen as, and for being a member of Municipality for a period of five 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, Kaithal immediately.

Panchkula:
The 14th May, 2020.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.

8763—C.S.—H.G.P., Pkl.