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STATE ELECTION COMMISSION
N.C.T. OF DELHI & UT CHANDIGARH
NIGAM BHAWAN, KASHMERE GATE, DELHI
Phone :23990915, 23914156, 23952340, Fax : 23921236

No. F.1(548)/Admn./SEC/2020/ 8188

Dated:- 07/02/2021

ORDER

WHEREAS General Election to the three Municipal Corporations of Delhi were held on 23.04.2017.

AND, WHEREAS every contesting candidate was required to file the accounts for his election expenses in accordance with the provisions of Rule 104 of the Delhi Municipal Corporation (Election of Councillors) Rules, 2012.

AND, WHEREAS the said rules and more particularly Rule 104 (2) requires due authentication of the accounts submitted by way of filing a supporting affidavit in form 20. The copy of the instructions, relevant rules and of Form 20 are duly contained and reproduced in the Register of election expenses, which is to be filed by every candidate.

AND, WHEREAS Sh. Rakesh, a contesting candidate from Ward-32N, Rohini-C, has stated to have filed the statement of election expenses, which were not duly accompanied by a supporting affidavit required in compliance of Rule 104 (2) of the aforesaid Rules. Thus, the compliance of Rule 104 was not in the time and manner as required under the Rules.

AND, WHEREAS a show cause notice was sent to Sh. Rakesh by the Commission on 07.08.2020 in accordance with the Rules but the same was returned undelivered as the address could not be located by the postal authorities despite 3 attempts.

AND, WHEREAS Sh. Rakesh was accordingly disqualified for 06 years vide order F.1(81)/Admin./SEC/2020/7130 dated 25.01.2021 under the aforesaid Rules.

AND, WHEREAS Sh. Rakesh has now sought to and submitted a representation on 05.02.2021, wherein he has admitted to the non compliance with rule 104 (2) of the aforesaid Rules but has pointed out that the same was bonafide and inadvertent. He has accordingly prayed for removing him from the list of disqualified candidates.

AND, WHEREAS as a special case Sh. Rakesh has pleaded extreme urgency on account of the possibility of him being a nominated candidate for the upcoming Municipal bye polls, wherein he expects to be a candidate. He has also prayed for urgency on this account in a pending writ petition filed before the Hon'ble High Court of Delhi by him on 05.02.2021.

NOW, THEREFORE, having considered the overall facts of the case and urgency as set out by Sh. Rakesh before the Hon'ble Court and the fact of him having made this omission due to inadvertence and requesting for considering it to be bonafide, the Commission in the overall facts of the case is satisfied with the explanation and removes him from the list of disqualified candidates, invoking the powers under Rule 111 of the aforesaid Rules, with immediate effect. He is however cautioned and advised to be careful on this account in future and this omission has been duly noted on record. The Hon'ble Court in the aforesaid writ petition bearing No. 1585 of 2021 will also be informed accordingly so that the matter can be disposed of noting the above.

(S.K. SRIVASTAVA)
STATE ELECTION COMMISSIONER

To

Shri Rakesh, S/o Shri Jai Prakash,
R/o A-374, Shahbad Dairy,
Delhi-110042.



STATE ELECTION COMMISSION
N.C.T. OF DELHI & UT CHANDIGARH
NIGAM BHAWAN, KASHMERE GATE, DELHI
Phone : 23990915, 23914156, 23952340, Fax : 23921236

No. F.1/(81)/SEC/ADMN/2021/294

Dated: 04/06/2021

ORDER

WHEREAS General Election to the three Municipal Corporations of Delhi were held on 23.04.2017.

AND WHEREAS every contesting candidate was required to file the accounts for election expenses in accordance with the provisions of Rule 104 of the Delhi Municipal Corporation (Election of Councillors) Rules, 2012.

AND WHEREAS the said rules and more particularly Rule 104 (2) requires due authentication of the accounts submitted by way of filing a supporting affidavit in form 20. A copy of the instructions, relevant rules and of Form 20 are duly contained and reproduced in the Register of election expenses, which is to be filed by every candidate.

AND WHEREAS Smt. Kalpana Jha had submitted account of election expenditure on 06.5.2017. But it was noticed that affidavit (required in compliance of Rule 104 (2) of the aforesaid Rules) submitted by her was dated 09.05.2017 while the last date for filing of account was 06.05.2017.

AND WHEREAS a Show Cause Notice was sent to Smt. Kalpana Jha in accordance with the aforesaid Rules but the same was returned undelivered on 07.09.2020 with the remarks "Left from address".

AND WHEREAS Smt. Kalpana Jha was accordingly disqualified under rule 110 of said rules for 06 years vide Order No. F.1(81)/Admin./SEC/2020/7130 dated 25.01.2021.

AND WHEREAS Smt. Kalpana Jha has now submitted a representation on 01.03.2021 wherein she has stated that she submitted all election related expenses details in time and also admitted that she filed affidavit after the delay of 2-3 days. She apologized for the same. She has further stated that she had not received any letter because she changed her residence. She has apologized this lapse and requested to remove her disqualification under rule 111 of the said Rules.

NOW, THEREFORE, having considered overall facts of the case and request of Smt. Kalpana Jha for considering it to be bonafide, I, S.K. Srivastava, State Election Commissioner, am satisfied with the explanation and remove her disqualification, invoking the powers under Rule 111 of the aforesaid Rules, with immediate effect. She is however cautioned to be careful on this account in future and this omission has been duly noted on record. She is also warned that change of address need to be duly notified.

(S.K. SRIVASTAVA)
STATE ELECTION COMMISSIONER



STATE ELECTION COMMISSION
N C T OF DELHI & U.T. CHANDIGARH
NIGAM BHAWAN, KASHMERE GATE, DELHI-110006
Phone : 23990915, 23914156, 23952340, Fax : 23921236
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No.F.1(578)/Admn./SEC/2021/1203F/ 1571

Dated: 21/10/2021

ORDER

WHEREAS General Election to the three Municipal Corporations of Delhi were held on 23.04.2017.

AND WHEREAS every contesting candidate was required to file his accounts of Election Expenses with the concerned Returning Officer within 10 days of the declaration of result of election in accordance with the provisions of Rule 104 of the Delhi Municipal Corporation (Election of Councillors) Rules, 2012 and the direction/instructions contained in the Register of Election Expenses supplied to candidates by the Returning Officer at the time of filing nomination.

AND WHEREAS it was informed by concerned Returning Officer in his report, that the candidate Mrs. Gunjan Goel, Ward No. 99N (Karampura) submitted her accounts of expenditure in time but it was noticed that affidavit dated 29.04.2017 was submitted but not attested by Notary. The same is required under Rule 104 of Delhi Municipal Corporation (Election of Councillors) Rules, 2012.

AND WHEREAS a Show Cause Notice dated 24.04.2020 under Rule 108(5) of the aforesaid Rules was sent to her vide Speed Post No. ED169730608IN but the same was returned back in this Commission on 28.08.2020 with the remarks "LEFT".

AND WHEREAS as she had failed to file the Election Expenditure Accounts as per prescribed manner and time, an order dated 25.01.2021 disqualifying the candidate for 06 years w.e.f. 25.01.2021 was passed by the Hon'ble State Election Commissioner, Delhi and published in an ordinary Gazette of Delhi Govt. stating that the candidate has failed to lodge Account of Election Expenses in the prescribed manner and time.

AND WHEREAS Mrs. Gunjan Goel has filed an appeal against her Disqualification Order dated 25.01.2021 stating that as she had shifted her residence in 2018, notices sent by the State Election Commission office were not received by her. She has stated that had she received those notices, she would have submitted another affidavit duly attested by a Notary much earlier. She has now submitted fresh affidavit duly attested by the Notary and thus deficiency pointed out in the Notices has since been made up.

AND WHEREAS I, S.K. Srivastava, State Election Commissioner, Delhi am satisfied upon the action now taken by Mrs. Gunjan Goel under the above mentioned circumstances complies to the requirement of law. I, as per powers conferred upon me under Rule 111 of Delhi Municipal Corporation (Election of Councillors) Rules, 2012 do hereby remove the disqualification of Mrs. Gunjan Goel with immediate effect, as earlier ordered on 25.01.2021.

S.K. Srivastava
12.10.21

(S.K. SRIVASTAVA)

STATE ELECTION COMMISSIONER

To

Mrs. Gunjan Goel, H.No.9/32,FF, East Punjabi Bagh, New Delhi-110026 with reference to her representation dated 09.08.2021.