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मध्यप्रदेश राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 270]

भोपाल, सोमवार, दिनांक 31 अगस्त 2020—भाद्र 9, शक 1942

विधि एवं विधायी (निर्वाचन) कार्य विभाग
भोपाल, दिनांक 28 अगस्त 2020

फा. क्र. 10-क-चार-निरर्हित-2020-61.—भारत निर्वाचन आयोग का आदेश क्रं. 76/MP-HP-2019/WS-I दिनांक 25 अगस्त 2020 सर्वसाधारण की जानकारी के लिये प्रकाशित किए जाना है.

अरूण कुमार तोमर, सचिव.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, Dated 25th August, 2020— 3 Bhadrapada, 1942 (Saka)

ORDER

No. 76-MP-HP-2019-WS-I.—WHEREAS, the General Election to the Lok Sabha in the State of Madhya Pradesh, 2019 was announced by Election Commission of India vide Press Note No. ECI/PN/23/2019 dated 10th March 2019. As per the schedule, the Date of Counting was 23rd May 2019.

AND WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate has to lodge a true copy of his account of election expenses within 30 days with the District Election Officer, from the date of election of returned candidate;

AND WHEREAS, the result of 20-Rajgarh Parliamentary Constituency was declared by the Returning Officer concerned on 23rd May 2019. As such the last date for lodging of account of election expenses was 22nd June 2019.

AND WHEREAS, as per the report dated 01st July 2019 submitted by the District Election Officer, Rajgarh District, Madhya Pradesh and forwarded by Chief Electoral Officer, Madhya Pradesh vide letter No. 10-A/Lok Sabha 2019/Four/Elec. Expenses/Rajgarh/13808 dated 02nd July 2019, Shri Mohsin Bhaney, Independent contesting candidate from 20-Rajgarh Parliamentary Constituency of Madhya Pradesh, failed to lodge any account of his election expenses as required by law.

AND WHEREAS, on the basis of the reports of the District Election Officer, Rajgarh District, Madhya Pradesh, a Show Cause notice dated 03rd July 2020 was issued by the Election Commission of India under Sub Rule (5) of Rule 89 of the Conduct of Election Rules, 1961 to Shri Mohsin Bhaney for non submission of accounts of Election expenses;

AND WHEREAS, as per Sub Rule (6) of Rule 89 of the Conduct of Election Rules, 1961, through the above said Show Cause Notice dated 03rd July 2020, Shri Mohsin Bhaney was directed to submit his representation in writing to the Commission explaining the reason for non submission of accounts and also to lodge his complete accounts of election expenses to the District Election Officer concerned within 20 days from the date of receipt of the notice;

AND WHEREAS, the said notice was received by mother of Shri Mohsin Bhaney on 20th July 2020. Acknowledgment receipt obtained from the candidate have been submitted to the Commission by District Election Officer, Rajgarh vide his letter No. 409/14/Election/2020 dated 04th August 2020.

AND WHEREAS, in the supplementary report submitted by District Election Officer, Rajgarh vide his letter No. 439/14/Election/2020 dated 10th August 2020 it has been stated that Shri Mohsin Bhaney has not submitted any representation or a statement of correct account of his election expenses, duly signed along with original vouchers etc. till date. Further, he has neither furnished any reason nor explanation for the said failure even after receipt of the due notice to the Election Commission of India as well;

AND WHEREAS, the Commission is satisfied that Shri Mohsin Bhaney has failed to lodge an account of election expenses and has no good reason or justification for the failure;

AND WHEREAS, Section 10A of the Representation of the People Act, 1951 stipulates 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 law 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 Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order;

NOW THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Shri Mohsin Bhanej resident of Shekh Mohalla, Ward No. 11, Soyat Kala T. Susner, Dist. Agar Malwa, Madhya Pradesh, the Independent contesting candidate for the General Election to the Lok Sabha, 2019 in the State of Madhya Pradesh from 20-Rajgarh Parliamentary Constituency to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

By order,

Sd./-
(SUMAN KUMAR DAS)
Secretary,
Election Commission of India.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

नई दिल्ली, दिनांक 25 अगस्त, 2020—3 भाद्रपद 1942 (शक)

आदेश

सं. 76-म.प्र.-लो.स.-2019-पाश्चिम.1-यतः; भारत निर्वाचन आयोग द्वारा मध्यप्रदेश राज्य में लोक सभा के साधारण निर्वाचन, 2019 की घोषणा प्रेस नोट संख्या ईसीआई/प्रे.नो./23/2019 दिनांक 10 मार्च 2019 के जरिए की गई थी. कार्यक्रम के अनुसार, मतगणना की तारीख 23 मई 2019 थी.

और यतः; लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 78 के अनुसार, निर्वाचन लड़ने वाले प्रत्येक अभ्यर्थी को, निर्वाचित अभ्यर्थी के निर्वाचन की तारीख से 30 दिनों के भीतर निर्वाचन व्यय के अपने लेखे की सही प्रति जिला निर्वाचन अधिकारी को दाखिल करनी होती है;

और यतः; 20-राजगढ़ संसदीय निर्वाचन क्षेत्र संबंधित रिटर्निंग अधिकारी द्वारा उक्त निर्वाचन के परिणाम 23 मई 2019 को घोषित किए गये थे. इस प्रकार, निर्वाचन व्यय के लेखे दाखिल करने की अंतिम तारीख 22 जून 2019 थी.

और यतः; मुख्य निर्वाचन अधिकारी, मध्यप्रदेश के दिनांक 2 जुलाई 2019 के पत्र सं. 10-क/लो.स.2019/चार/निर्वा. व्यय/राजगढ़/13808 द्वारा अप्रेषित जिला निर्वाचन अधिकारी, राजगढ़ जिला, मध्यप्रदेश द्वारा दिनांक 01 जुलाई 2019 को प्रस्तुत रिपोर्ट के अनुसार श्री मोहसीन भानेज, मध्यप्रदेश के 20-राजगढ़ संसदीय निर्वाचन क्षेत्र से निर्वाचन लड़ने वाले निर्दलीय अभ्यर्थी, अपने निर्वाचन व्यय का कोई भी लेखा दाखिल करने में विफल रहे.

“यदि निर्वाचन आयोग का समाधान हो जाता है कि कोई व्यक्ति—

- (क) निर्वाचन व्ययों का लेखा उस समय के भीतर और उस रीति में जैसी इस अधिनियम के द्वारा या अधीन अपेक्षित है, दाखिल करने में असफल रहा है; तथा
- (ख) उस असफलता के लिए कोई अच्छा कारण या न्यायोचित्य नहीं रखता है, तो निर्वाचन आयोग शासकीय राजपत्र में प्रकाशित आदेश द्वारा उसको निरर्हित घोषित करेगा और ऐसा व्यक्ति उस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित होगा;

अतः, अब लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अनुसरण में भारत निर्वाचन आयोग एतद्वारा घोषणा करता है कि लोक सभा के साधारण निर्वाचन, 2019 में मध्यप्रदेश राज्य के 20-राजगढ़ संसदीय निर्वाचन क्षेत्र से निर्वाचन लड़ने वाले निर्दलीय अभ्यर्थी, श्री मोहसीन भानेज, निवासी शेख मोहल्ला, वार्ड नं. 11, सोयत कला, तह. सुसनेर, जिला आगर मालवा, मध्यप्रदेश, इस आदेश की तारीख से तीन वर्ष की अवधि के लिए संसद के किसी भी सदन अथवा राज्य अथवा संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद का सदस्य चुने जाने अथवा होने के लिए निरर्हित है.

आदेश से,
हस्ता/-
(सुमन कुमार दास)
सचिव,
भारत निर्वाचन आयोग.