



No. 339]

CHENNAI, TUESDAY, JUNE 14, 2022
Vaikasi 31, Subakiruthu, Thiruvalluvar Aandu-2053

Part V—Section 4

Notification by the Election Commission of India

ORDER OF THE ELECTION COMMISSION OF INDIA

DISQUALIFICATION OF CANDIDATE CONTESTED FROM 212 – MUDHUKULATHUR ASSEMBLY CONSTITUENCY IN THE GENERAL ELECTION TO HOUSE OF THE PEOPLE FOR FAILURE TO LODGE THE ACCOUNTS OF ELECTION EXPENSES UNDER SECTION 10-A OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 BY THE ELECTION COMMISSION OF INDIA.

No. SRO G-16/2022.

The following order of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001, dated.03rd June, 2022 [13 Jyeshtha, 1944 (Saka)] is re-published:

No.76/TN-LA/2021/CEMS-II/Pt-1. **WHEREAS**, the General Election to Legislative Assembly of Tamil Nadu, 2021 for **212 – Mudhukulathur** Assembly Constituency was held in pursuance of the Election Commission of India Notification No 464/TN-LA/2021, dated 12th March, 2021; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the election for **212 – Mudhukulathur** Assembly Constituency of Tamil Nadu, 2021 was declared by the Returning Officer on 02nd May, 2021 and hence the last date for lodging the account of Election Expenses was 01st June, 2021; and

WHEREAS, the Commission having regard to the then prevailing pandemic situation of Covid-19, decided to condone any incidence of late submission of account by candidate till 31st July, 2021; and

WHEREAS, as per the report dated 03.08.2021 of the DEO, **Ramanathapuram**, under sub-rule (1) of Rule 89 of the Conduct of Elections Rules, 1961, received from the CEO, Tamil Nadu vide his letter no. 8339/Ele-IV/2021-11, dated 16.08.2021, **T. Azhakumalai Kumaran**, a contesting candidate from **212 – Mudhukulathur** Assembly Constituency of Tamil Nadu, 2021 has failed to lodge account of election expenses, as required under law; and

WHEREAS, on the basis of the said report of the District Election Officer, a Show-Cause notice No. 76/TN-LA/2021/CEMS-II, dated. 17th September, 2021 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **T. Azhakumalai Kumaran**, for not lodging of account of Election Expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, **T. Azhakumalai Kumaran** was directed to submit representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge account of election expenses with the District Election Officer, **Ramanathapuram** District within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, **Ramanathapuram** District, has reported that the said notice was served to **T. Azhakumalai Kumaran** on **01.10.2021**; and

WHEREAS, the District Election Officer, **Ramanathapuram** in his Supplementary Report No.D2/6740/2021, dated 11.02.2022 reported that **T. Azhakumalai Kumaran** has not submitted any representation or a statement of correct account of election expenses duly signed along with original vouchers etc. Further, after receipt of the said notice, **T.Azhakumalai Kumaran** has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account as prescribed under law; and

WHEREAS, Section 10 A of the Representation of the People Act, 1951 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 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."*

WHEREAS, on the basis of facts and available records, the Commission is satisfied that **T. Azhakumalai Kumaran** has failed to lodge account of election expenses and has no good reason or justification for the failure to do so; and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **T. Azhakumalai Kumaran**, resident of- S/O Thanikodi Dever, Arisikkuzhuthan, Kamuthi Taluk and a contesting candidate in **212 – Mudhukulathur Assembly Constituency of Tamil Nadu, 2021**, to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order.

To
Sh. T. Azhakumalai Kumaran,
S/o. Thanikodi Dever,
Arisikkuzhuthan, Kamuthi Taluk

(By Order)

SUJEET KUMAR MISHRA,
Secretary,
Election Commission of India.

Secretariat,
Chennai-600 009,
14th June 2022.

SATYABRATA SAHOO,
Chief Electoral Officer and
Principal Secretary to Government,
Public (Elections) Department.