



# TAMIL NADU GOVERNMENT GAZETTE

**EXTRAORDINARY** PUBLISHED BY AUTHORITY

No. 120]

CHENNAI, MONDAY, MARCH 18, 2024  
Panguni 5, Sobakiruthu, Thiruvalluvar Aandu-2055

## Part V—Section 4

Notification by the Election Commission of India

**NOTIFICATION BY THE ELECTION COMMISSION OF INDIA**

ORDER OF THE ELECTION COMMISSION OF INDIA

DISQUALIFICATION OF CANDIDATE CONTESTED FROM 160 – SIRKAZHI (SC) ASSEMBLY CONSTITUENCY IN THE GENERAL ELECTION TO LEGISLATIVE ASSEMBLY OF TAMIL NADU, 2021 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-5/2024.**

The following order of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001, dated.07th March, 2024 [17 Phalgun, 1945 (Saka)] is re-published:-

**No.76/TN-LA/160/2021/CEMS-II**

**WHEREAS**, the General Election to Legislative Assembly of Tamil Nadu, 2021 for **160 - Sirkazhi (SC)** 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 a 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 **160 - Sirkazhi (SC)** 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 Rc.No.5300/2022/G1; dated 19.05.2022 of the **DEO, Nagapattinam** under sub-rule (1) of Rule 89 of the Conduct of Elections Rules, 1961 received through the CEO, Tamil Nadu *vide* his letter No.19875/Ele-IV/2021-20, dated. 31.05.2022 stating that **Balu. Pon**, a contesting candidate from **160 - Sirkazhi (SC)** Assembly Constituency of General Election to Legislative Assembly of Tamil Nadu, 2021 has failed to lodge the account of his election expenses, as required under law; and

**WHEREAS**, on basis of the said report of the District Election Officer, Nagapattinam a Show-Cause notice No. 76/TN-LA/2021/CEMS-II/Pt-1; dated 01st September, 2022 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **Balu. Pon**, for not lodging of the 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, **Balu. Pon** was directed to submit representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge the account of his election expenses with the District Election Officer, **Nagapattinam** District within 20 days from the date of receipt of the notice; and

**WHEREAS**, the District Election Officer, **Nagapattinam** District, in his report Rc. No. 5300/2022/G1; dated 05.12.2023 has reported that the original acknowledgement of said notice was obtained from the defaulting candidate through Sirkali Tahsildar *vide* R.C. No.63/2019/A3; **dated 13.12.2022**; and

**WHEREAS**, the District Election Officer, **Nagapattinam** in his Supplementary Report dated 05.12.2023 received through CEO Tamil Nadu *vide* letter no. 5550/Ele-IV/2022-13; dated 12.12.2023 on account of the candidate, reported that **Balu. Pon** has not submitted any representation or statement of correct account of election expenses. Besides, after receipt of the said notice, **Balu. Pon** has neither furnished any reason nor explanation to the Election Commission of India for failure to lodge the account of his election expenses as prescribed under law; and

**WHEREAS**, Section 10A 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 basis of the facts and available records, the Commission is satisfied that **Balu. Pon** has failed to lodge the account of his 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 **Balu. Pon**, resident of 2/4 Main Road, Aathukudi & Post, Mayiladuthurai Taluk and a contesting Candidate in **160 - Sirkazhi (SC)** 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

**Balu. Pon,**  
**S/o Ponnai, 2/4 Main Road, Aathukudi & Post, Mayiladuthurai Taluk.**

(By Order)

SUJEET KUMAR MISHRA,  
*Secretary,*  
*Election Commission of India.*

Secretariat,  
Chennai-600 009,  
18th March 2024.

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