



No. 158]

CHENNAI, THURSDAY, MAY 4, 2023
Chithirai 21, Sobakiruthu, Thiruvalluvar Aandu-2054

Part V—Section 4

Notification by the Election Commission of India

ORDER OF THE ELECTION COMMISSION OF INDIA

DISQUALIFICATION OF CANDIDATE CONTESTED FROM 213 – VILATHIKULAM 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-14/2023.

The following order of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001, dated 27th April, 2023 [07 Vaisakha, 1945 (Saka)] is re-published:-

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

WHEREAS, the General Election to Legislative Assembly of Tamil Nadu, 2021 for **213-Vilathikulam** 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 **213-Vilathikulam** 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 of the **DEO, Thoothukudi** under sub-rule (1) of Rule 89 of the Conduct of Elections Rules, 1961 received through the CEO, Tamil Nadu *vide* his letter No. 8339/Ele-IV/2021-11, dated 16.08.2021 stating that **Marimuthu. S**, a contesting candidate from **213-Vilathikulam** Assembly Constituency in General 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, **Thoothukudi**, 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 **Marimuthu. S**, 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, **Marimuthu. S** 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, **Thoothukudi** District within 20 days from the date of receipt of the notice; and

WHEREAS, the DEO, **Thoothukudi** in his report No. E4/473/2021; dated 14.03.2022 has reported that the said Show Cause Notice was served to **Marimuthu. S** on **27.11.2021**; and

WHEREAS, the District Election Officer, **Thoothukudi** in his Supplementary Report received through *vide* letter No. E7/473/2021; dated 27.12.2022 on account of the candidate, has reported that **Marimuthu. S** has not submitted any representation or statement of account of election expenses. Further, after receipt of the said notice, **Marimuthu. S** 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 **Marimuthu. S** 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 **Marimuthu. S**, resident of 31C, Nagu Nagar 1st Street, Pethaniyapuram, Madurai-625 016 and a contesting candidate from **213-Vilathikulam** Assembly Constituency in General Election to Legislative Assembly 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

Marimuthu. S,
31C, Nagu Nagar 1st Street,
Pethaniyapuram,
Madurai-625 016.

(By Order)

SUJEET KUMAR MISHRA,
Secretary,
Election Commission of India.

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

Secretariat,
Chennai-600 009,
04th May 2023.