

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.623 of 2016 (O&M)
Date of Decision: 13.01.2016**

Shyam Sundar

... Petitioners

VS.

DC Kurukshetra & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. RD Gupta, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) The petitioner filed his nomination paper for election of Sarpanch of village Ismailabad, Sub Tehsil Ismailabad, Tehsil Pehowa, District Kurukshetra. His nomination paper has been rejected on the ground that he is partner in M/s Durga Rice and General Mills and the premises of the rice mill was raided by the Executive Engineer Vigilance, Karnal of UHBVNL and the large scale theft of electricity having been detected, a penalty of ₹33,46,743 was imposed. The Prescribed Authority thereafter sent a memo to the managing partner of the firm that in case they do not want to face trial or that the offence should be compounded, in that case, they are liable to pay additional compounding fee of ₹6,60,000/-.

(2) Since one of the eligibility condition prescribed for contesting election is that there should be no pending dues of any

Government agency, the petitioner's nomination has been rejected on account of the non-deposit of the above-stated penalty amounts.

(3) In our considered view, no error or illegality has been committed by the respondents in rejecting the petitioner's nomination.

(4) Be that as it may, the election is scheduled to be held on 17.01.2016.

(5) No time is left to adjudicate the issues sought to be raised by the petitioners except that the petitioner, if so advised, may file election petition raising all such pleas. This order shall, however, have no bearing on the efforts of HBVN authorities in recovering their dues and they shall be at liberty to have recourse to all legitimate means for the aforesaid purpose.

(6) Dismissed.

(Surya Kant)
Judge

13.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge