

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.40825 OF 2018

ORDER (ORAL): (Per Hon'ble Sri Justice S.V. Bhatt)

Heard Sri Ch. Venkat Raman, learned counsel for the petitioner, and Sri Avinash Desai, learned standing counsel for respondent No.1 - Election Commission of India.

2. The petitioner assails the notice No.116/ECI/EEM/CEMS-I/FUN/DISQ/2018-III dated 06.10.2018 as illegal, violative of principles of natural justice and unconstitutional. The case of the petitioner is that he ought not to have been declared as disqualified person under Section 10A of Representation of the People Act, 1951 (for short 'Act'). According to petitioner, he has given reply and has furnished the details of expenditure incurred by him in the election last conducted and contested by him.

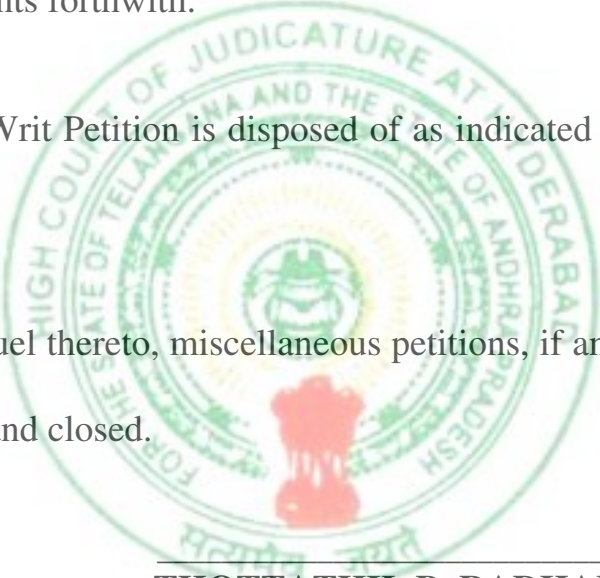
3. Sri Avinash Desai, on instructions, submits that the reply given by the petitioner is not in the manner and mode of Section 78 of the Act read with Conduct of Elections Rules 1961. He further states that the petitioner has remedy under Section 11 of the Act and the petitioner, if files a representation, the same would be considered by respondent No.1 and orders passed as expeditiously as possible preferably by 17.11.2018.

4. The statement of the learned standing counsel for respondent No.1 is placed on record and accepted.

5. The petitioner is given liberty to submit representation by today evening as required under the Conduct of Elections Rules, 1961, and as stated by respondent No.1, the representation would be considered and disposed of on or before 17.11.2018. Having regard to the short time we have granted for disposal, we give liberty to the learned standing counsel for respondent No.1 to communicate the order to the respondents forthwith.

6. The Writ Petition is disposed of as indicated above. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

November 16, 2018.

NOTE:

Dispatch the order forthwith.

(BO) PV