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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 03.02.2020

+ W.P.(C) 1238/2020

SHRI YOGINDER CHANDOLIA

..... Petitioner

versus

ELECTION COMMISSION OF INDIA AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. A.P.S.Ahluwalia, Sr.Advocate with
Mr.Gurpreet Singh Sethi, Mr.S.S.Ahluwalia and
Mr.Mohit Bongwal, Advocates.

For the Respondent:

Mr. Sidhant Kumar, Advocate for Election
Commission of India.

Mr.P.R.Chopra, Advocate for R-2 & 3.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 22.01.2020 passed by the Returning Officer whereby the Returning Officer has rejected the complaint of the petitioner regarding acceptance of nomination of respondent No.4 for the ensuing elections to the Legislative Assembly of the National Capital Territory of Delhi.

2. It is contended by learned senior counsel for the petitioner that the nomination could not have been accepted as there were ex facie erroneous submissions made in the affidavit filed along with the nomination papers and besides there have been other illegalities in acceptance of the nomination.

3. On 28.01.2020 in W.P(C) No.1032/2020 titled *Mr.Kiran Pal Singh Tyagi and Ors vs. State of NCT of Delhi and Ors*, this court has held that a petition under Article 226 would not be maintainable during the process of election.

4. The judgment squarely applies to the facts of the present case.

5. In view thereof, this petition is held to be not maintainable and is dismissed as such.

6. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 03, 2020

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