

**BEFORE THE ELECTION COMMISSION OF PAKISTAN****PRESENT:**

MR. SIKANDAR SULTAN RAJA	CHAIRMAN
MR. SHAH MUHAMMAD Jatoi	MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN	MEMBER

**Case No. 7 (166)/2024-LAW-III (GE)**In Ref: **APPLICATION FOR RECOUNTING OF VOTES**

Aliya Hamza Malik, contesting candidate, NA-118 Lahore

**Petitioner****VERSUS**

- 1) The Returning Officer NA-118 Lahore
  - 2) Muhammad Hamza Shehbaz Sharif, Returned candidate, NA-118 Lahore
- Respondents**

For the Petitioner : Raja Aamir Abbas, ASC  
a/w petitioner in personFor the Respondent No.2 : Syed Ali Raza Shah, Advocate  
a/w Syed Imran Arshad Gillani, Advocate**Date of Hearing** : **07.03.2024****ORDER**

**Shah Muhammad Jatoi, Member.**— Petitioner namely Aliya Hamza Malik contested the General Election held on 08.02.2024 for the seat of National Assembly from constituency NA-118 Lahore. As per Form-47 petitioner secured 100,803 votes where as his rival candidate namely Muhammad Hamza Shehbaz Sharif got 105,960 votes. There is a difference of 5,157 votes between winning and runner up candidates and 5,324 votes were rejected. By way of instant petition, petitioner has prayed for recounting of votes.



2. While arguing the case, learned counsel for the petitioner has contended that at the time of counting, from most of the polling stations, the polling agents of the petitioner were thrown out by the local police. That at the time of consolidation of result, the petitioner was not called by the Returning Officer rather only Form-49 was issued to the petitioner. That as per Form-49 petitioner obtained 100984 votes and the winning candidate namely Muhammad Hamza Shehbaz Sharif obtained 105,948 and the rejected votes are mentioned as 5,327. That the whole plan was managed by the Returning Officer and petitioner was not even given the complete Form-45 from all the polling stations. That petitioner moved an application for recounting of votes but no heard the lawful request of the petitioner. That against the biased conduct of the Returning Officer, the petitioner has no other adequate and efficacious remedy except to invoke the jurisdiction of this forum. Petitioner has submitted Civil Miscellaneous Application for placing on record additional documents pertaining to NA-118 Lahore wherein petition had sought recounting of the ballot papers / invalid votes under Section 95(6) of the Elections Act, 2017 and had sought for setting aside the consolidation proceedings conducting by the Returning Officer being ultra vires to the statutory provisions provided under Section 95(5) of the Elections Act, 2017 and Article 218(3) of the Constitution of the Islamic Republic of Pakistan 1973. Learned counsel for the petitioner has enclosed copies of Form-45 in the CM issued to the Petitioner's polling agents in support of his arguments. Learned counsel has referred/showed certain discrepancies carried out by the Respondent No.1 in Form-48 wherein on certain polling stations votes of respondent No.2 increased and petitioner's votes decreased as per Petitioner's Forms-45. He has also enclosed certain tweets of social media regarding detaining of polling agents of petitioner, rigging in General Elections 2024 against Aliya Hamza Malik, etc. Learned counsel has prayed that:-

