

BEFORE THE ELECTION COMMISSION OF PAKISTAN

PRESENT:

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. NISAR AHMED DURRANI, MEMBER
MR. SHAH MOHAMMAD Jatoi, MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

Case No. 7 (17)/2024-LAW-II

In Ref: **APPLICATION FOR RECOUNTING OF BALLOT PAPERS OF ALL THE POLLING STATIONS OF CONSTITUENCY OF PROVINCIAL ASSEMBLY OF PUNJAB (PP-31, GUJRAT-V) UNDER SECTION 95 (6) OF THE ELECTIONS ACT, 2017**

Mudassar Raza s/o Asghar Ali r/o District Gujrat

...Petitioner (s)

VERSUS

The Returning Officer PP-31, Gujrat and 23 others

... Respondent (s)

For the Petitioner : In person a/w Raja Habib-ur-Rehman, Advocate
Date of Hearing : 11.02.2024

ORDER

Mr. Nisar Ahmed Durrani, Member.— Petitioner namely Mudassar Raza contested the General Election-2024 for the seat of Provincial Assembly from constituency PP-31, Gujrat-V. As per Form 47, prepared and issued by the Returning Officer, PP-31, petitioner obtained 48,311 votes while his rival candidate namely, Shafay Hussain has got 64132 votes in the contest. Petitioner being aggrieved with the result has filed instant petition whereby it has been prayed as under:

“In view of above submission, it is hereby very humbly prayed that, after acceptance of this application, the Returning Officer of PP-31, Gujrat V may very kindly be ordered to recount the ballot papers of all the polling stations of PP-31, Gujrat-V in presence of all the contesting candidates,



their election agents and observers and then to issue consolidated results in accordance with law depicting the true results of polls. It is also very humbly supplicated that Returning Officer may very kindly be ordered to restrain from conducting consolidation proceedings during pendency of this application.”

2. Learned counsel for the petitioner is in attendance. He vociferously contended that petitioner was winning the contest by a margin of about 50,000 votes but his clear victory has been converted into defeat through colourful exercise by the RO. He prayed that order for recounting may be passed in the interest of justice to ascertain that votes cast in favour of which candidate are also counted in favour of that candidate.

3. Arguments heard and record perused. Learned counsel for the petitioner was confronted whether application was made to the Returning Officer for recounting to which he replied that no such request has been made in writing. In such view of the matter, application for recounting cannot be allowed at this stage under section 95 (6) of the Elections Act, 2017. He may file an application before the Returning Officer for recounting, if desire so, who may also pass an order of recounting on justified ground, if any. However, Returning Officer is directed to issue notice to contesting candidates, if final consolidation has not been conducted so far, and conduct consolidation in presence of contesting candidates or their election agents as the case may be, strictly in accordance with law. Moreover, the RO shall address the grievances of candidates then and there including petitioner



through summary inquiry, if any raised during final consolidation.
Disposed of.

~~(Sikandar Sultan Raja)~~
Chairman

~~(Nisar Ahmed Durrani)~~
Member

~~(Shah Mohammad Jatoi)~~
Member

~~(Justice (R) Ikram Ullah Khan)~~
Member

Islamabad
The 11th February, 2024

