

# ELECTION COMMISSION OF PAKISTAN

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

## CASE No.F.7(27)/2024-Law-III

Subject: APPLICATION UNDER SECTION 8 AND 15 OF ELECTIONS ACT, 2017 AND ARTICLE 218 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR REVIEW/ CORRECTION OF FORM-47 ISSUED BY RETURNING OFFICER NA-55 RAWALPINDI

Muhammad Basharat Raja S/o Raja Lal Khan Resident of House No. 198, Dhamial Road, Rawalpindi, District Rawalpindi. (Candidate NA-55 Rawalpindi)

.....Petitioner(s)

### VERSUS

Returning Officer, NA-55, Rawalpindi

Malik Muhammad Ibrar, Candidate NA-55 Rawalpindi

.....Respondent(s)

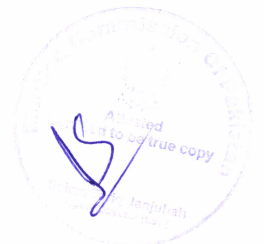
For the petitioner : Umair Shafiq Mughal, AHC

Date of hearing : 11-02-2024

### ORDER

**Sikandar Sultan Raja, Chairman-** Brief facts of the matter is that petitioner namely Muhammad Basharat Raja contested the General Election 2024 for the seat of National Assembly from constituency NA-55, Rawalpindi. As per form 47, issued by the Returning Officer, petitioner obtained 96,787 votes while his opponent namely, Ibrar Ahmed has obtained 112,343 votes in the contest and declared as leading/ returned candidate. Petitioner being aggrieved with the result issued by the Returning Officer has filed instant petition.

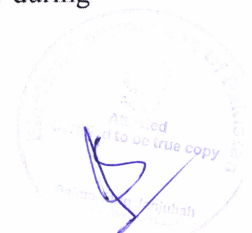
2. Learned counsel for the petitioner appeared and argued that the petitioner has contested the election from NA-55 Rawalpindi as independent Candidate. He was allowed the symbol of Kettle. He further submitted that the result received from the



Presiding Officers he has huge margin and lead of more than 50,000 votes from Malik Muhammad Ibrar. Learned counsel further submitted that his representatives namely Ahmed Nasir Raja, Advocate, Shams Tabraiz, Advocate, Irfan Niazi, Advocate and others were not allowed to enter into the office of returning Officer during the process of preparation of provisional result on Form-47. He further submitted that result received from the presiding Form-47 issued by the Returning Officer is illegal, unlawful and contrary to the Elections Act and Election Rules, 2017. He also submitted that he was not provided the provisional result nor Form-47 was issued to him. He also submitted that the returning officer has violated the provisions of Section 92 of the Elections act, 2017 and Rule 84 of the Election Rules, 2017 therefore he contended that the result prepared on Form-47 has created doubts and is not in accordance with the law. He further added that result may not be finalized on the basis of Form-47 as according to him the same is not in accordance with Form-45 received in original by his Polling Agents. While concluding his arguments he prayed that his petition may be allowed and orders may be passed by the Commission for correction/ review of Form-47. He further prayed that Returning officer be directed to conduct the consolidation proceedings in presence of petitioner or his representative after issuing the notice to them and Form-47 may be suspended including issuance of notification of Returned Candidate.

3. Arguments heard and record perused.

4. At the very outset the Commission inquired from the counsel for the petitioner that whether they have filed any application for recounting or correction of record to the concerned Returning Officer? In response to the query the Counsel submitted that he wants to press the matter before the Commission, therefore no application has been filed before the concerned Returning Officer. The matter cannot be decided without getting report from the concerned Returning Officer and without issuing notice to the Returned Candidate. Therefore, for just and fair decision in the matter, it is directed that notice be issued to the Returning Officer alongwith copy of petition for his comprehensive report within three days which shall reach to this office before the next date of hearing. Furthermore, the Returning Officer is directed to conduct the final consolidation in presence of petitioner and his duly authorized representatives under the law if the process of consolidation is not yet concluded. Moreover RO shall readdress the grievance of candidates including petitioner through summary inquiry, if raised during



final consolidation. Notice be also issued to the Returned Candidate which shall be served through concerned DEC alongwith copy of application.

5. Relist for 15-02-2024.

**Sikandar Sultan Raja**  
Chairman

**Nisar Ahmed Durrani**  
Member

**Shah Muhammad Jatoi**  
Member

**Justice (R)IkramUllah Khan**  
ember

