

To
The Returning Officer,
3-Sambalpur Parliamentary Constituency,
Odisha.

Sub: -Objection Petition to the nomination papers of Shri Pranab Prakash Das, candidate of Biju Janata Dal for furnishing false, inaccurate, misleading information in the form 26, Affidavit filed along with nomination papers for the ensuing elections of 3- Sambalpur Parliamentary Constituency.

Sir,

- 1) I, the undersigned, have been appointed as Election Agent of Shri Dharmendra Pradhan of Bharatiya Janata Party for 3-Sambalpur Parliamentary Constituency for election to the ensuing Lok Sabha polls. Nomination papers for the same was filed on 02.05.2024.
- 2) That, the scrutiny of the nomination papers is scheduled to be conducted on 07.05.2024 at 11:00 AM, at the office of the Returning Officer, i.e., Collector & DM, Sambalpur and I, being his Election Agent, have been authorized on his behalf to remain present during the process of scrutiny.
- 3) That, I intend to raise certain objections, challenging the validity of the nomination papers due to false and defective Affidavit in Form-26 of Shri Pranab Prakash Das, a candidate of Biju Janata Dal (BJD), filed along with nomination papers for election to the Lok Sabha in accordance with Rule 4A of Conduct of Election Rules, 1961 read with Section 33A of the Representation of People Act, 1951, on the following amongst other grounds: -

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That, Sri Pranab Prakash Das has deliberately and consciously suppressed certain vital material facts in the nomination papers with regard to the value of shares in a public limited company, immovable properties, his total income and educational qualification. The Candidate, Shri Das has thus sworn in a false affidavit, which is a serious irregularity of substantial character leading to the rejection of his nomination papers.

a) Share Value in Rektor Mines & Minerals Ltd.

Shri Das, in his Affidavit filed along with the nomination papers for 2019 General elections to Legislative Assembly for Odisha ('2019 Affidavit' hereinafter) had shown that he had 10,000 shares @ Rs. 10/- per share, amounting to Rs. 1,00,000/- in M/S Rektor Mines and Minerals Ltd. In his recent, 2024 affidavit filed along with the nomination papers, valuation of the shares remains the same, i.e., Rs. 1,00,000/- only, which is highly improbable. It means Shri Das has not disclosed the current market value, i.e., the change in value of the shares since 2019. Such change in the value of shares would affect the total valuation of movable assets of Shri Das.

Affidavit dated 05.04.2019 by Shri Pranab Prakash Das is attached herewith as Annexure-A.

b) Suppression and irregularities in immovable properties

Shri Das, in addition to his previous declared residential properties as per 2019 Affidavit, has added some new residential properties in his 2024 Affidavit. However, instead of increase in area, the total area as disclosed by Shri Das has decreased drastically from 8.9 dec. (in 2019 Affidavit) to 0.0916 dec (in 2024 affidavit).

Further, Shri Das has disclosed new landed properties under the head "Non-agricultural land" in his 2024 Affidavit, as compared to his 2019

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Affidavit. Yet, the total area disclosed by Shri Das has decreased from A19.00 dec. (in 2019 Affidavit) to A17.019 dec (in 2024 affidavit).

Brief details substantiating some other misleading and misguiding information in the 2024 Affidavit are also mentioned hereinunder:

S.No.	Details of Immovable Property	Remarks	Annexures (Copy of ROR)
1	(Agricultural Land) Mouza- Bandhu Mohanty Nagar, Tahasil- Jajpur, Dist- Jajpur Khata No.- 337, 590	Share of Shri Das is not properly defined, affecting the outcome of current market value. Copy of ROR is attached herewith as Annexure	B-Series
2	(Agricultural Land) Mouza- Mudhapada, Tahasil- Bhandaripokhari, Dist- Bhadrak Khata No.- 186/32	Share of Shri Das is not properly defined, affecting the outcome of current market value.	C
3	(Non-Agricultural Land) Mouza- Unit 10 Bandhumohanty Nagar, Tahasil- Jajpur, Dist- Jajpur Khata No.- 19, 20, 590	Plot Numbers not mentioned. These lands are mentioned both as agricultural lands and non-agricultural lands.	D-Series (For Khata 590, ref Annexure-B series)
4	(Non-Agricultural Land) Mouza- Unit 10 Bandhumohanty Nagar, Tahasil- Jajpur, Dist- Jajpur Khata No.- 50, 639/2	Shri Das is neither the owner nor does he have any share in the property. One Kishori Mohan Das is the recorded owner of the property.	E-Series
5	(Non-Agricultural Land) Mouza- Unit 10 Bandhumohanty Nagar, Tahasil- Jajpur, Dist- Jajpur Khata No.- 336, 412, 678	Share of Shri Das is not properly defined, affecting the outcome of current market value.	F-Series
6	(Residential Buildings)	Shri Das is neither the owner	

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	Mouza- Unit 10 Bandhumohanty Nagar, Tahasil- Jajpur, Dist- Jajpur Khata No.- 50 Plot No.- 498	nor does he have any share in the property. One Kishori Mohan Das is the recorded owner of the property.	(For Khata 50, ref Annexure-E series)
7	(Residential Buildings) Mouza- Unit 10 Bandhumohanty Nagar, Tahasil- Jajpur, Dist- Jajpur Khata No.- 412 Plot No.- 499 Khata No.- 589 Plot No.- 492	Share of Shri Das is not properly defined, affecting the outcome of current market value.	G (For Khata 412, ref Annexure-F series)

That, in view of the above-mentioned incorrect and false information, the figure provided for the total current market value of the immovable assets is, unquestionably incorrect and amounts to false and misleading information. Due to such non disclosure of assets, the Hon'ble Apex Court in *Civil Appeal no. 4261 of 2007 in Shri Kisan Shankar Kathore vs Arun Dattatray and Others reported in (2014) 14 SCC 162* was pleased to uphold the decision of the Hon'ble Bombay High Court setting aside the election of a returned candidate of Maharashtra Legislative Assembly from Ambernath Constituency of Thane District, inter-alia, holding. Non disclosure of information with regard to assets is a defect of substantial character.

c) Non-disclosure of total Income

That, Shri Das has not disclosed his income for the FY 2019-20 in his 2024 Affidavit. It is pertinent to mention that, Shri Das has given the details of sources of income in Clause 9A(a) as "Self- from Agriculture and from Salary, as Member of Legislative Assembly, Odisha". Keeping in view that for all other financial years for which Shri Das has disclosed his income, including information disclosed in the 2019 Affidavit for the FY starting from 2013-14 to 2017-18 (ref Annexure-A). Non disclosure of

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income for the FY 2019-20 is fatal and defect of substantial character in as much as a candidate is required to furnish the total income shown in income tax return for the last five financial years completed as on 31st March. It seems highly improbable that the total income of Shri Das would have been "Rs.0" for the said financial year.

d) Disclosure of false educational qualification

Sri Das has furnished false and incorrect information with regard to his educational qualification. In the affidavit sworn in by him in the 2009 General Assembly elections, which he contested from 52-Jajpur Assembly constituency, he had mentioned his educational qualification as +2 Arts, whereas, Shri Das has mentioned his education qualification in 2024 Affidavit as +2 Science from N. C. College, Jajpur under Council of Higher Secondary Education, Odisha. Since there is glaring disparity in the two affidavits and there is no certificate attached to that effect. It is evident that Shri Das has consciously given false declaration with regard to his educational qualification. This is a defect of substantial character as enjoined in Section 36 of the Representation of People Act 1951. On this, the Apex Court had also set aside the election of a returned candidate on the ground of wrong mentioning of educational qualification [*Ref: Mairembam Prithviraj vs PukhremSharatchandra Singh with PukhremSharatchandra Singh vs Mairembam Prithviraj (Civil Appeal No. 2649 of 2016 with 2829 of 2016), (2017)2 SCC 487.*]

Affidavit dated 04.04.2009 by Shri Pranab Prakash Das is attached herewith as Annexure-I.

- 4) In such view of the above submissions, the objector most humbly prays to the judicial conscience of the Returning Officer to exercise his power freely and fairly without being influenced by any extraneous factors since the

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Returning Officer alone is the authority to take the decision with regard to the validity of the nomination papers and no other authority has the power to either direct or interfere with the decision of the Returning Officer at the time of scrutiny. In such view of the matter the objector humbly prays to reject the nomination papers of Shri Das in the interest of justice and fair play and to ensure a free, fair and impartial poll in the larger interest of democracy.

- 5) The filing of false affidavit is not only a defect of substantial character with regard to the candidature of a candidate but the same is also a penal offence under Section 125 A of the Representation of People Act, which inter-alia provides for 6 months imprisonment and fine. The objector also humbly prays the Returning Officer to initiate prosecution against Shri Pranab Prakash Das for such false affidavit.
- 6) In view of the above-mentioned particulars that have been falsely disclosed in the affidavit by Shri Pranab Prakash Das, it is humbly prayed that the nomination of Shri Pranab Prakash Das be rejected on the above grounds in the interest of justice and fair play for ensuring a free, fair, unbiased and impartial poll.

Yours Sincerely,

Pradeep Kumar Bahidar

Adv. Pradeep Kumar Bahidar

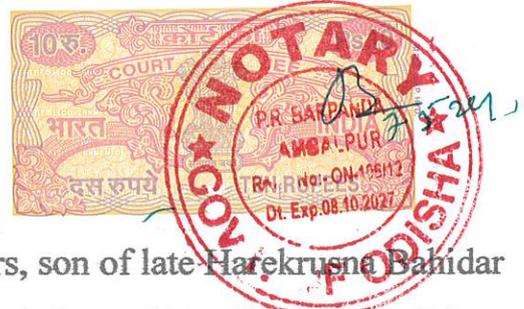
Election Agent of Shri Dharmendra Pradhan

Candidate from BJP

3-Sambalpur PC

Date: - 07.05.2024

Place: - Sambalpur



AFFIDAVIT

I, Shri Pradiip Kumar Bahidar, aged about 65 years, son of late Harekrusna Bahidar village locality ward no 28, GP / town –Sambalpur, PS- Ainthapalli, Distt- Sambalpur, do hereby solemnly affirm and state as follows :

1- That I am the election agent of Candidate namely, Shri Dharmendra Pradhan for 3-sambalpur parliamentary constituency of Bharatiya Janata Party;

2- That, I am duly authorized by the candidate and am also otherwise competent to file an objection to the nomination of Shri Pranab Prakash Das, the candidate of Biju Janata Dal for the same constituency on the ground of a false and incorrect Form 26 affidavit filed along with the nomination papers, the material particulars of which in the accompanying objection petition;

3- That the fact stated in the objection petition are true to the best of my knowledge and belief based on official records.

Place : Sambalpur

Date : 07.05.2024

Identified by

R. Beluna
Advocate 0-1202/18
4-8658450662

Pradiip Kumar Bahidar

Deponent

The deponent solemnly affirm before me today at 10.30 AM/PM being identified by Sri Rakhech Beluna Advocate, Sambalpur.

P.R. Barpanda
(P.R. BARPANDA)
NOTARY, SAMBALPUR
Reg. No.- ON-106/12