11th July, 2002 and the copy was ready for delivery on 16th July, 2002 and the copy was, in fact delivered on 16th July, 2002. Therefore, according to Mr. Thali, the learned counsel for the respondent No. 1/returned candidate, the document at Exhibit F was never in the possession of the election petitioner when the petition was signed and verified and the affidavit affirmed. The verification, therefore, is defective, which goes to the root of the matter and, therefore, the document which forms an integral part of the petition, which is so verified by the petitioner, but was never in the possession of the petitioner, the petition cannot be said to be properly verified. Thus, if the petitioner refers to a document which forms an integral part of the petition, but that document was not in possession of the petitioner, the petition cannot be said to be a petition within the meaning of Section 81 of the Representation of the People Act, 1951. Therefore, according to Mr. Thali, the petition deserves to be dismissed on this count. The petitioner has not stepped into the witness box to explain this discrepancy. The petitioner in his reply at Exhibit 23 in paragraph 21 has admitted that the petitioner had applied for the certified copy on 11th, July 2002 and the petitioner was given the date as 15th, July 2002 for taking delivery of the copy. The petitioner has further admitted that the copy was delivered to the petitioner on 16th July, 2002. The petitioner has also admitted that the petitioner signed, verified and the affidavit was sworn supporting the petition on 15th July, 2002. The petitionner has also admitted that he had signed and verified the petition on 15th July, 2002 and then proceeded to Vasco to collect the copy of the document at Exhibit F. Thus, the petitioner has admitted that when he signed and verified the petition, the document at Exhibit F was not in the possession, of the petitioner. In these circumstances, therefore, the defect in the verification goes to the root of the matter and it cannot be said that the petition presented is an election petition within the meaning of Section 81 of the Representation of the People Act, 1951. This issue is, therefore, answered in the affirmative. The petition is liable to be rejected on this count alone.

27. As to Issue No. 3 :– According to the respondent No. 1/returned candidate, the petition does not contain a concisé statement of the material facts, on which the election petitioner relies and also that the petition does not disclose any cause of action.

28. Mr. Thali, the learned counsel appearing on behalf of the respondent No. 1/returned candidate, has urged before me that none of the grounds taken in support of the charge of corrupt practices spell out any corrupt practices alleged to have been committed by the respondent No. 1/returned candidate. He, therefore states that the petition does not disclose any cause of action. The election petition has been filed on the ground of corrupt practices as well as on the ground that the respondent No. 1/returned candidate, being the Chairman of the Goa State Scheduled Caste and Other Backward Classes Finance and Development Corporation Ltd., was holding an office of profit in Goa. Whether the respondent No. 1/returned candidate was holding the office of profit, at the time when he submitted his nomination form and when he was elected, is a matter which will have to be adjudicated after the parties lead their evidence. Suffice it to say that, at this stage, the petition discloses a cause of action and, as such, it cannot be held that the petition does not disclose any cause of action entailing dismissal of the election petition.This issue, therefore, is answered in the negative.

29. In view of the discussion on Issue No. 2(A), (B) and (E), the petition is liable to be dismissed and is, accordingly dismissed with costs. Bill of costs be drawn up accordingly. Registry to communicate the Judgment as per the provisions of Section 103 of the Representation of the People Act, 1951.

Sd/-
(P. V. Hardas)
Judge.

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Department of Civil Supplies & Consumer Affairs

Notification

No. DCS/ENF/CONTURDEB/78/2001

Order No. S.O. 1468(E), Order S.O. 1470(E) and Order S. O. 1471(E) dated 24-12-2003 issued by the Central Government in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) published in part II, Section 3, sub-section (ii) dated 26-12-2003 of Gazette of India (Extraordinary) is hereby republished for general information of the public.

By order and in the name of the Governor of Goa.

N. B. Narvekar, Director of Civil Supplies and Consumer Affairs and Ex-officio Joint Secretary.

Panaji, 10th March, 2004.

MINISTRY OF PETROLEUM AND NATURAL GAS

ORDER

New Delhi, the 24th December, 2003.

S.O. 1468(E).— In pursuance of sub-clause (e) of Clause 12 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000, the Central Government hereby specifies the Director, Petroleum Planning and Analysis Cell, Scope Complex 7, Institutional Area, Lodhi Road, New Delhi-110003 and the Director General, Anti Adulteration Cell, Sanrakshan Bhavan, 10, Bhikaji Cama Place, New Delhi-110066 to collect information under the provisions of said Order.

[F. No. P-11013/8/2003-Dist.]

A. K. SRIVASTAVA, Jt. Secy.