

ORDER SHEET  
ISLAMABAD HIGH COURT, ISLAMABAD.  
JUDICIAL DEPARTMENT.

**Election Appeal No. 02 of 2024**

Muhammad Shaoib Shaheen  
Vs.  
R.O, etc

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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02.01.2024.	Appellant in person.
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Through the instant appeal, appellant has assailed order dated 30.12.2023, passed by the Returning Officer, whereby Nomination papers of appellant have been rejected being defaulter of Property Tax of Rs.65,424/-.

2. The appellant appeared in person and argued that the Nomination Papers have been scrutinized as per procedure laid down in Election Act, 2017 (*Act of 2017*) and the rules made thereunder. He has stated that pursuant to requisition of the Returning Officer, the Metropolitan Corporation Islamabad (*MCI*) in its report alleged default in payment of property tax. The appellant has further contended that the property was not in the name of the appellant and thus notice for recovery of the property tax respect of the said property was never issued to him. He has argued that Section 62(10) of the Act of 2017 bars rejections of nomination papers on the ground of default in payment of loan, taxes or government dues, etc. where a candidate deposits such amount. The learned counsel stated that the amount of property tax has already been deposited in the government exchequer on i.e. 30.12.2023, as such his nomination papers could not

have been rejected on technical grounds. Reliance has been placed on case titled "*Yasir Aftab Vs. Irfan Gull, etc*" [2023 SCMR 206] in support of the argument that the defect was not of a substantial nature and the appellant could have been offered an opportunity to cure said defect rather than ordering rejection of the nomination papers. He has finally argued that in view of the explicit provisions of section 62(10) of the Act of 2017, the Returning Officer could not concluded that appellant is not "sagacious, righteous and non-profligate, honest and amen" under Article 62(1)(f) of the Constitution.

2. Let notice be issued to the respondents for tomorrow i.e. **03.01.2024**. Respondents are at liberty to file written comments, if they intend to do so, with advance copy to the appellant. The latter is also at liberty to file written synopsis/submissions by tomorrow.

3. Office is directed to transmit copy of this order to the respondents through special messenger for compliance today positively.

C.M No. 01/2024.

Notice.

C.M No. 02/2024.

Exemption sought for is allowed subject to all just and legal exceptions.

(ARBAB MUHAMMAD TAHIR)  
JUDGE