

(b) if after holding such enquiry the Judge is of opinion—

(i) that the candidate in whose favour the declaration is sought has received a majority of the valid votes, or

(ii) that but for the votes obtained by the returned candidate by corrupt practices, such candidate would have obtained a majority of the valid votes,

the judge shall, in addition to declaring the election of the returned candidate to be void, declare the candidate, in whose favour the declaration is sought, to have been duly elected.]

(6) The Judge's order under this section shall be conclusive.

(7) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

404. (1) If the Judge sets aside an election of a candidate on the ground that a corrupt practice has been committed in the interest of such candidate, he shall declare such candidate to be disqualified for the purpose of any fresh election which may be held under this Act. Disqualification for election as councillor for certain election offences.

(2) If in any proceedings under section 16, the Judge finds that a corrupt practice, has been committed within the meaning of that section by any person he may, if he thinks fit, declare such person to be disqualified for being elected and for being a councillor for such term of years not exceeding seven as he may fix:

Provided that no such declaration shall be made unless such person has been given a reasonable opportunity to be heard:

Provided further that the ¹[State] Government may by order in writing at any time relieve such person from such disqualification but, subject only to such order, the declaration by the Judge shall be conclusive.

II. References to the Judge.

405. In the following cases a reference shall be made to the Judge:—

References to the Judge.

(1) whether a councillor has ceased to hold office under section 12;

(2) whether a person has ceased to be a member of the Transport Committee under section 26;

(3) whether the Commissioner may be directed to remove a shaft or pipe on the application of the owner of a building or hut under section 175;

(4) regarding the amount of the price for the land required for setting forward a building under section 216;

(5) regarding the amount or payment of expenses for any work executed or any measure taken or things done under the orders of the Commissioner or any municipal officer under section 439;

(6) regarding the amount or payment of expenses or compensation and the apportionment thereof falling under any of the provision of this Act or any rule or by-law thereunder not otherwise specifically provided for.

III. Appeals against Valuation and Taxes.

406. (1) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Judge. Appeals when and to whom to lie.

(2) No such appeal ²[shall be entertained] unless —

1. This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.
 2. These words were substituted for the words "shall be heard" by Guj. 5 of 1970. s. 10 (1).