

Dear Comrades

As you are aware I was nominated as Election Commissioner for conducting elections for the posts of Office Bearers and Executive Members for ITGOA, Delhi Unit, Delhi vide Executive Committee of ITGOA, Delhi Unit, Delhi, held on 04.01.2024. Thereafter, first notification for conducting elections for the aforesaid posts was brought out by this office on 12.01.2024 which was partially modified vide Notification dated 18.01.2024. After the BGM of ITGOA, Delhi Unit, Delhi held on 29.01.2024 final notification for the posts of Office Bearers and Executive Committee for ITGOA, Delhi Unit, Delhi was brought out by this office on 30.01.2024. All the three notifications have been uploaded on the website of ITGOA, Delhi Unit. After the filing of nominations upto the midnight of 1st February, 2024, the list of the candidates contesting for various posts notified was uploaded on 2nd February, 2024 around 11:00 A.M.. It is to further inform that nomination forms were received through mail on the mail notified in notification as well physically at the office of Election Commissioner during office hours. Final list of the candidates after the withdrawal of nominations received till midnight of 5th February, 2024 was published on the website of ITGOA, Delhi Unit around 11:15 A.M. on 6th February, 2024.

2. A request telephonically through whatsapp call (matter of record) was received from Sh. Bhagat Singh on 06.02.2024 at 11:37 A.M. and again on 07.02.2024 at 10:58 A.M. enquiring about the provision for casting of votes for common voters who would not be available on the date of polling i.e. 14.02.2024. It was decided after due consultation with Sh. Bahgat Singh as well Sh. Pankaj Mehta, the Presidential Candidates of both the groups that after the availability of ballot papers on 12.02.2024 at 11:30 A.M. with this office, the common voters can cast there votes physically in my office till 13.02.2024 which would be sealed in envelope in presence of two witnesses and would then be counted with all votes after mixing the same with the votes polled on 14.02.2024. **Only one vote was polled which was duly shown to Sh. Bhagat Singh in the voting area which has been recorded in CCTV camera and he agreed for it to be counted at the time of counting of votes.**

3. Thereafter, as you all are aware, voting was started at 10:30 A.M. on 14th February, 2024. **You are all also aware that before casting of votes by common members signature, name, designation and date was taken from the voters on the counter foil of the ballots being issued for casting of vote. The first ballot which was cast on 14th February, 2024 bears Serial Number 002 i.e. because one vote with Serial Number 001 was already cast as stated above in para 2. In all 1098 votes each for Office Bearers and Executive Members were cast including the vote cast at S.No. 001.** The process of casting of votes was completed around 04:05 P.M. after allowing the voters who had entered the polling area on or before 04:00 P.M. Signatures closing the casting of votes was taken on counter foil of ballot with S.No. 1098 from bot Sh. Bhagat Singh as well as Sh. Pankaj Mehta which is a matter of records and the same has also been recorded in

CCTV. It is pertinent to mention here that all the process of casting of votes has been recorded in CCTV camera and in front of two polling agents, one each of Sh. Bhagat Singh & Ajay Sharma Group and Sh. Pankaj Mehta Group.

4. The counting of votes was started around 04.45 P.M. under the close monitoring of CCTV as well as with two counting agents of each group i.e. Sh. Bhagat Singh & Ajay Sharma Group and Sh. Pankaj Mehta group on two tables. No counting agent was provided by Sh. Phanishwar, Independent candidate for the post of Vice President (IRS). The ballot boxes containing the votes polled for the posts of Office Bearers (2 in numbers) were opened, one each on two tables meant for counting of votes which had one counting agents each of the two groups mentioned above. After the votes polled were taken out one of the sealed envelope containing vote cast as stated above in para 2 was taken out of the safe custody of this office, envelope was opened and the vote was mixed with the other votes taken out of one of the boxes herein referred as ballot box-1 to hide the identity of the voter who had cast his vote in front of the two counting agents available on the table. This again has been recorded in CCTV and is a matter of records. The votes so polled were collated on two tables. The table-1 on which votes from two ballot boxes were counted and they were 599 as taken out from ballot box-1 (including the vote cast as mentioned in para 2) and 498 on table-2 as taken out from ballot box-2.

5. After all the votes from two boxes were collated it was found that there were 1097 votes out of 1098 votes polled which showed that one of the voters had put his/her vote in the boxes which contained votes polled for executive body members. Thus with the consent of polling agents it was decided that that vote would only be searched if the difference between the candidates seeking election for a post is 1 or tied. First result for President ITGOA, Delhi Unit, Delhi was declared around 05:30 P.M. with details as under:-

Name/Description	Ballot Box-1/Counter-1	Ballot Box-2/Counter-2	Total
Sh. Bhagat Singh	296	234	530
Sh. Pankaj Mehta	297	258	555
Invalid Votes	6	6	12
Total	599	498	1097

The results for the Post of President of ITGOA, Delhi Unit, Delhi was declared by me in front of the members of ITGOA, Delhi Unit, Delhi outside the counting arena in front of D, Block, Civic Centre, Delhi with Sh. Pankaj Mehta declared as winner by 25 votes after taking signatures of all four polling agents and the two candidates i.e. Sh. Bhagat Singh and Sh. Pankaj Mehta.

6. Thereafter counting of votes was started for the post of General Secretary, ITGOA, Delhi Unit, Delhi and the details of 1097 votes polled is as under:-

Name/Description	Ballot Box-1/Counter-1	Ballot Box-2/Counter-2	Total
Sh. Ajay Sharma	301	228	529
Sh. Gajendra Kumar Mishra	286	245	531
Invalid Votes	12	25	37
Total	599	498	1097

There was a difference of 2 votes between the winning candidate and the losing candidate. The polling agents from Sh. Bhagat Singh group insisted on seeing the vote which might have been casted in the boxes which contained votes polled for Executive members. It was told by Election Commission personnel who had been co-opted to assist the undersigned that even if the vote is casted in favour of Sh. Ajay Sharma, he would still lose by 1(one) vote but they insisted. Thus, the two ballot boxes which contained the votes polled for the posts of Executive Members were unsealed and opened and it was found that indeed there was 1(one) vote meant for Office Bearers lying in one of the boxes. The same was taken out and was added to ballot box no. 2. The votes were counted and recounted a number of times in front of the polling agents and they were shown the votes polled in favour of the two candidates every time the counting and recounting i.e. the votes polled in favour of Sh. Ajay Sharma were shown to two polling agents of Sh. Gajendra Mishra and the votes polled in favour of Sh. Gajendra Mishra were shown to two polling agents of Sh. Ajay Sharma. The invalid votes were also shown to all the four polling agents and were declared invalid with their concurrence. It is pertinent to mention here again that all this proceeding has been recorded in CCTV which is a matter of record. The final position of votes polled is as under:-

Name/Description	Ballot Box-1/Counter-1	Ballot Box-2/Counter-2	Total
Sh. Ajay Sharma	301	229	530
Sh. Gajendra Kumar Mishra	286	245	531
Invalid Votes	12	25	37
Total	599	499	1098

The results for the Post of General Secretary of ITGOA, Delhi Unit, Delhi was declared with Sh. Gajendra Kumar Mishra declared as winner by 1 (one) vote after taking signatures of all four polling agents. Sh. Gajendra Kumar Mishra signed the results but Sh. Ajay Sharma refused to sign.

7. After declaring the result for the Post of General Secretary of ITGOA, Delhi Unit, Delhi, the counting agents of Sh. Bhagat Singh & Sh. Ajay Sharma Group staged a walk out and denied to be part of further counting of votes. It is again reiterated that the vote polled as stated in para 2 for the posts of Executive Committee Members has not been mixed with the votes polled on 14th February,

2024 contained in two sealed ballot boxes and is still in safe custody of this office. Efforts were made to resolve the impasse so created by Sh. Bhagat Singh & Sh. Ajay Sharma Group but to no avail. Thus, the counting was stopped and the ballot boxes (with all the members of election commission as witnesses under CCTV), counting area were sealed after passing a speaking order by myself at 07:51 P.M. of 14th February, 2024. The Ballot Boxes were sealed in presence of members of Election Commission as there was no availability of any independent witnesses.

8. This office tried to resume counting of votes on 15th February, 2024 requesting both the factions to send their two counting agents. Sh. Pankaj Mehta faction was ready but Sh. Bhagat Singh group denied. E-mail was sent to them stating that if this office does not receive any agent from Sh. Bhagat Singh & Sh. Ajay Sharma Group then PCCIT, Delhi would be requested to provide 2(two) independent counting observers. Before this exercise Sh. Bhagat Singh & Sh. Ajay Sharma Group raised objection which was sent to this office through mail on 14th February, 2024 at 09.48 P.M. copy of which was also marked to Secretary General, ITGOA, CHQ and PCCIT, Delhi (matter of record). This office replied pointwise to the objections raised by the said mail and nobody else was kept in loop or copy of the said mail was not marked to anyone. This clearly shows that the allegations against this office that the matter which pertained to ITGOA and which should have been resolved within ITGOA was unnecessarily brought to the notice of PCCIT, Delhi is not correct as the matter was brought to the knowledge of PCCIT, Delhi by Sh. Bhagat Singh & Sh. Ajay Sharma Group. It was also learnt that Sh. Bhagat Singh & Sh. Ajay Sharma Group met PCCIT, Delhi in the forenoon of 15th February, 2024 which again confirms the said fact that the matter was brought to the knowledge of PCCIT, Delhi by Sh. Bhagat Singh & Sh. Ajay Sharma Group. Two independent counting observers were provided by PCCIT, Delhi but the counting could not be completed and they submitted their report to PCCIT, Delhi. This office was allocated room No.G-7, D, Block Civic Centre, Delhi upto 15th February, 2024 only. Thus after resealing the two Ballot Boxes i.e. Ballot Box-1 and Ballot Box-2 in front of the two independent counting observers which again has been recorded in CCTV, room No.G-7, D, Block Civic Centre, Delhi upto 15th February, 2024 was vacated. Thereafter, on the request of this office, Room No. G-1, E-2 Block, Civic Centre, Delhi which is allotted to ITGOA was got vacated and all the four sealed ballot boxes alongwith the material used for casting of votes on 14th February, 2024 have been kept in Room No. G-1, E-2 Block, Civic Centre, Delhi and the said room has been sealed under videography till further action by this office.

9. A number of whatsapp messages have been floated on different whatsapp groups (deliberately on those groups on which I am not a member) making all sorts of allegations against the Election Commissioner i.e. me as well as the Officers & Officials co-opted to assist me vide order dated 12th February, 2024 (matter of record and available on ITGOA, Delhi Unit website) without any proof especially by Sh. Umesh Kumar, candidate for the post of Addl. Secretary, ITGOA, Delhi Unit. This

matter was also raised by Sh. Bhagat Singh & Sh. Ajay Sharma Group especially by Sh. Umesh Kumar, candidate for the post of Addl. Secretary, ITGOA, Delhi Unit in BGM of ITGOA (all India) held at Lucknow from 21st February 2024 to 23rd February, 2024. Owing to this a Dispute Resolution Committee comprising of three members of ITGOA has been constituted to submit its report in respect of the election process for the posts of Office Bearers and Executive Committee of ITGOA, Delhi Unit. This is against the Constitution of ITGOA and it is only the Election Commissioner who is empowered to take any decision regarding the process of election as per the Constitution of ITGOA.

In this light of these facts I as Election Commissioner, in lawful exercise of my powers vested by Constitution of ITGOA, unanimously appointed by Executive Committee of ITGOA, Delhi Unit, Delhi vide their meeting held on 4th January, 2024 give the final opportunity to all the candidates contesting elections either for the posts of Office Bearers or to the post of Executive Committee Members notified by this office by final notification dated 30th January, 2024, the list of which was finally notified on 6th February, 2024 to nominate two members on their behalf to be present at the time of counting of votes for the remaining 18 posts of Office Bearers and 20 posts of Executive Committee Members of ITGOA, Delhi Unit which would start at 10:30 A.M. on 4th March, 2024. If no counting agent is nominated, this office will conduct counting of votes under CCTV and the results would be declared accordingly.

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(RAHUL GAUTAM)
ELECTION COMMISSIONER (ITGOA)
ASSTT. DIRECTOR OF I.TAX (ITBA)-4,
R.No.7003, Ayakar Bhawan, Sector-3, Vaishali, Ghaziabad

F. No. ITGOA/Election Notification-2023/2023-24/

Dated : 01.03.2024

Copy forwarded to :-

1. The Pr. Chief Commissioner of I. Tax, Delhi, New Delhi for information.
2. The Addl. Commissioner of I. Tax (Hq. Pers.) o/o The Pr. Chief Commissioner of I. Tax, New Delhi for information.
3. Shri K. Suresh with request to post the **Final Opportunity** on the website of ITGOA.
4. Notice Board of different I T offices at Delhi

ELECTION COMMISSIONER (ITGOA)
ASSTT. DIRECTOR OF I.TAX (ITBA)-4,
R.No.7003, Ayakar Bhawan, Sector-3, Vaishali, Ghaziabad