

\$~10 & 11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 192/2016, C.M. NO.767/2016**
INDERJIT BANGA Petitioner
versus
REGISTRAR, COOP. SOCIETIES, GOVT. OF NCT OF DELHI &
ORS. Respondents

+ **W.P.(C) 193/2016, C.M. NO.769/2016**
RAMMI KAPUR Petitioner
versus
REGISTRAR, COOP. SOCIETIES, GOVT. OF NCT OF DELHI &
ORS. Respondent's
Through : Sh. Ashish Garg and Ms. Kavita Rawat,
Advocates, for petitioner in Item Nos. 10 and 11.
Ms. Neha Rastogi and Sh. Animesh Rastogi,
Advocates, for GNCTD, in Item Nos. 10 and 11.
Sh. M. Qayam-ud-din, Advocate, for Respondent
No.5 in Item No.5, in Item Nos. 10 and 11.
Sh. Aniel Kumar, Advocate, for Respondent Nos.
6 and 7 in Item No.10.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE R.K. GAUBA

ORDER
% **08.03.2016**

The present petition challenges an order of the Registrar Cooperative Societies (RCS) dated 04.01.2016, which had directed the Returning Officer (RO), who is to oversee the conduct of elections in the respondent cooperative society, to disqualify the petitioners under Section 35(7) of the Delhi Cooperative Societies Act, 2003 [hereafter "the 2003 Act"]. The Court, by its interim order of 08.01.2016, had stayed the operation of the order dated 04.01.2016, in

view of the impending elections scheduled on 10.01.2016. Learned counsel for the respondents, especially the complainants, who had objected to the candidature of the petitioners, contends that the impugned order was justified since the audit under the provisions of the 2003 Act were not conducted within time. This is disputed by the petitioners.

This Court notices that the objections were overruled by the RO on 27.12.2015. However, the RCS, without granting any opportunity to the present petitioners, issued the impugned directions. In the opinion of this Court, such course of action was unwarranted. The said order of 04.01.2016 is consequently set aside. At the same time, we are of the opinion that given the nature of the objections, the appropriate course would be to leave the parties, especially the contesting objectors to raise such disputes that they wish to, under Sections 70/71 of the 2003 Act. We are informed that the Respondent Nos. 6-7 have in fact raised such disputes. In these circumstances, the rights and contentions of the parties to urge whatever is permitted in law in those arbitration proceedings are expressly reserved. The writ petition is partly allowed in the above terms.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

MARCH 08, 2016

ájk