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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 7467/2015, CM APPL. 13784/2015

M.V. RAO

..... Petitioner

Through: Mr. Rakesh Munjal, Sr. Advocate with
Mr. Moni Cinmoy and Mr. Mohd. Arif,
Advocates.

versus

THE REGISTRAR COOPERATIVE SOCIETIES AND ORS.

..... Respondents

Through: Mr. Gautam Narayan, Addl. Standing
Counsel on behalf of R-1/RCS with Mr. R.A. Iyer,
Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

18.01.2016

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The petitioner's grievance is with respect to the order disqualifying him from contesting the elections as Member of the Managing Committee of the respondent Society. He was disqualified by an order of the Registrar dated 6.5.2015 for being an officer of the Society which had not got its statutory audit completed within the period prescribed under the Act. The audit in respect of the respondent Society apparently had not been conducted in a timely manner for three successive years. It is contended that since no period of disqualification is specifically provided - unlike in other cases - the

petitioner's disqualification would apply only for one term. Section 35 (3) of The Delhi Co-Operative Societies Act, 2003 states that the term of office of the elected members of the Committee shall be three years. If this is kept in mind, the disqualification of a person - under Section 35 (7) (a) to (e) would have to be conditioned by sub-section (3) since there would be no doubt that such individual falls within the description of "a person shall be disqualified for election of office in a Committee", i.e., the controlling clause of Section 35 (7). So viewed, the period of disqualification would be in terms of Section 35 (3), i.e., 3 years.

Having regard to the above interpretation, the petitioner's disqualification would be for the period of three years from the date of the commencement of tenure of the Managing Committee.

The writ petition is disposed off as above.

S. RAVINDRA BHAT, J

INDERMEET KAUR, J

JANUARY 18, 2016
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