

\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8666/2015, C.M. NO.18957/2015**
VINOD KUMAR PANWAR Petitioner

Through : Sh. Sandeep Kumar, Advocate.

Versus

REGISTRAR OF COOPERATIVE SOCIETIES & ORS
..... Respondents

Through : Sh. Santosh Kumar Tripathi, Advocate,
for Respondent No.1.
Sh. R.K. Gupta, Advocate, for Respondent Nos. 4,
5, 6, 7, 8 and 11.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

% **ORDER**
22.01.2016

Sh. R.K. Gupta, Advocate appears for all private respondents (Nos. 4, 5, 6, 7, 8 and 11). The other respondents have been served according to the office report.

The petitioner's contention is that the impugned order rejecting his objection to the nomination of contesting respondents was not appropriate. The petitioner submits that the elections conducted by the respondent Society in which the respondents contested for positions in the Managing Committee was improper and that their nominations ought to have been rejected in view of Rule 54(d) of the Delhi

Cooperative Societies Rules, 2007. He relies upon the order of the Registrar Cooperative Societies [hereafter “Registrar”] dated 12.11.2013. The Returning Officer, in his Order noticed that the appeal against the said order of the Registrar is pending before the Delhi Cooperative Tribunal [hereafter “the Tribunal”] and accordingly rejected the objections.

The petitioner urges that the ground for rejection of the objections was untenable because the appeal to the Tribunal was at his behest and not at the behest of the members of the Managing Committee. In the pending appeal, it is urged that the penalty has to be enhanced. Learned counsel for the contesting respondents submits that the Managing Committee members had in fact satisfied the directions and paid the amounts on their own and not from the Society’s funds and that the order dated 12.11.2013 of the Registrar pertains to recovery from the Managing Committee members of 2009-12.

This Court is of the opinion that since elections have already been concluded, the question as to whether the contesting respondents were entitled to contest it or not should be appropriately gone into by the Registrar under Section 70(4). A direction is accordingly issued to the Registrar to either consider to decide the dispute, or refer the matter to an Arbitrator within two weeks. The Arbitrator (or the Registrar, as the case may be) shall finally decide the dispute in accordance with law within four months from today. While issuing the orders of reference, the Registrar shall also pass an appropriate order with respect to the administration of the Society in the

circumstances of the case. The writ petition is disposed of in the above terms.

Order dasti to the parties.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 22, 2016/ajk