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

+ **W.P.(C) 10552/2015 & C.M.No.26664/2015**

THE NAVAL TECHNICAL OFFICERS COOPERATIVE GROUP
HOUSING SOCIETY LTD. Petitioner

Through: Mr.Kirti Uppal, Sr.Adv. with
Mr.Rajender Arya and Mr.Sidharth
Chopra, Advocates

versus

REGISTRAR, CO-OPERATIVE SOCIETIES, GOVT. OF NCT OF
DELHI & ANR. Respondents

Through: Mr.Anuj Aggarwal, Addl. Standing
Counsel for GNCTD with Ms.Niti
Jain, Advocate for R-1.

+ **W.P.(C) 11845/2015 & C.M.Nos.4791/2016, 8337/2016 &
31476/2015**

A. RAMAMURTY & ORS. Petitioners

Through: Mr.Subhiksh Vasudev, Advocate
versus

THE REGISTRAR (CO-OPERATIVE SOCIETIES) & ANR

.... Respondents

Through: Mr.Devesh Singh, Addl.Standing
Counsel for GNCTD for R-1
Mr.Kirti Uppal, Sr.Adv. with
Mr.Rajender Arya and Mr.Sidharth
Chopra, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE R. K. GAUBA

ORDER

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08.03.2016

1. The common challenge in the W.P.(C) Nos. 10552/2015 &

11845/2015 is to the appointment of an administrator. It is asserted by the society that the appointment was done without due application of mind to the materials on record. The respondents'/complainants' right to move the authorities independently in accordance with law, is reserved. All rights and contentions in this respect are kept open.

2. This court is of the opinion that given the developments which occurred after the filing of both the petitions i.e. the end of tenure of the Managing Committee of the Cooperative Society (The Naval Technical Officers Cooperative Group Housing Society) on 23.12.2015 the reliefs claimed have in a sense been rendered infructuous. The Registrar of Cooperative Societies shall ensure that the elections are completed within two months from today. To achieve this end, the Registrar shall appoint an independent person (not being a member of the Cooperative Society), who has some experience in this regard, as Returning Officer. The entire election process – including the declaration of the result and the handing over of charge of the newly elected Managing Committee shall be completed within the said period of two months.

3. The Counsel for the petitioner in W.P.(C) 11845/2015 submits that rights of the members who originally complained to the Registrar under Section 37 to pursue their remedies independently of the outcome of these proceedings, in terms of Section 71/72 should be reserved. Liberty granted to the parties to contend whatever they wish to in accordance with law. The Registrar shall expressly stipulate that the returning officer shall conduct the elections through secret ballot.

4. Till completion of elections process, the interim order enabling the managing committee to function, shall operate.
5. Both the writ petitions along with the pending applications are disposed of in the above terms.

Dasti.

S. RAVINDRA BHAT, J

R. K. GAUBA, J

MARCH 08, 2016

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