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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 2989/2017

ISHWAR CHANDRA GUPTA Petitioner

Through: Petitioner in person

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND ORS.

..... Respondent

Through: Mr.Ashwani Garg, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **10.04.2017**

We have heard the petitioner, who appears in person, and are not inclined to interfere with impugned orders dated 22nd July, 2016 and 18th June, 2015 passed by the Delhi Co-operative Tribunal.

2. This is the second round of litigation. The petitioner had earlier initiated arbitration proceedings challenging the elections to the Managing Committee of M/s Shiv Cooperative Thrift & Credit Society Ltd. held on 2nd September, 2012.

3. By the award dated 5th August, 2013, the challenge was rejected for several reasons recorded, including the petitioner was himself a defaulter; the candidates were elected unopposed as exactly the same number of candidates had filled up the nomination forms, and the agenda notice was issued/circulated.

4. The appeal preferred by the petitioner was rejected by the Cooperative Tribunal vide order dated 3rd October, 2013 on merits. This

order also observed that the petitioner had failed to implead the newly elected office bearer as parties to the arbitration proceedings.

5. The petitioner thereafter filed a WP(C) No.1551/2014, *Ishwar Chand Gupta v. Registrar, Co-operative Societies & Ors.*, which after some hearing, the learned counsel for the petitioner sought permission to withdraw with liberty to take recourse by an appropriate remedy, if any.

6. The petitioner, thereafter, filed a fresh arbitration application. The only change made was to implead the office bearers, who were elected in the elections held on 2nd September, 2012, and had not been impleaded as parties to the first arbitration proceedings.

6. We are afraid, the petitioner cannot be permitted to raise and set up the second round of arbitration on the said pretext after the issue was examined on merits by both, the Arbitrator and the Co-operative Tribunal. The Co-operative Tribunal observations in the order dated 3rd October, 2013 that the newly elected office bearers had not been impleaded as parties was the secondary reason, and not the main ground. They had examined other contentions of the petitioner on merits.

7. We are also informed that fresh elections of the office bearers of the co-operative societies was held in the year 2015. Thus, the writ petition challenging election in 2012, is an exercise in futility.

8. In view of the aforesaid, we are not inclined to issue notice in the present writ petition and dismiss the same, with no order as to costs.

SANJIV KHANNA, J

ANU MALHOTRA, J

APRIL 10, 2017/sv