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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9271/2016 & CM Nos.37431/2016, 41528/2016

DELHI NAGRIK SEHKARI BANK MEMBERS ASSOCIATION

AND ANR

..... Petitioners

Through: Mr. Kirti Uppal, Senior Advocate
with Mr. Sidharth Chopra & Mr.
Harsh Kumar, Advocates

versus

REGISTRAR OF CO OPERATIVE SOCIETIES AND ANR

..... Respondents

Through: Mr. J.P. Sengh, Senior Advocate with
Mr. Anil Kumar & Ms. Manisha
Mehta, Advocates for Mr. Sandeep
Shokeen
Ms. Jyoti Singh, Senior Advocate
with Ms. Tinu Bajwa, Advocate for
the Bank
Mr. Rajesh Srivastava, Advocate for
proposed respondents

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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11.01.2017

Learned counsel for the parties agree that the elections must be held at the earliest. Our attention is drawn by the parties to the order dated 27.1.2016 passed in CM No.28731/2015(for modification) and CM No.25370/2015 (for direction), which reads as under:

“These are applications for elections in a disposed of writ

petition. The court had vide final order directed the elections to the third respondent bank to be completed in accordance with law. The society has about 67000 members. The controversy is whether 20000 of its members or any of such disputed members' particulars have been verified. It was urged that some of the administrator has verified and is satisfied with respect to the membership of about 47000 members. What is in dispute is with respect to the 20000 members and genuineness of their membership.

In these circumstances and having regard to the previous order of this court as well as status report filed the administrator shall pass a formal order (i) With respect to the total number of members duly verified according to the records of the Registrar of the Cooperative Societies. (ii) The said order shall also expressly record the number of the individuals whose membership are either suspect or unverified as on date. A separate list in that regard shall be maintained by the Registrar of Cooperative Societies. (iii) Registrar is directed to publish a notice in two newspapers having wide circulation inviting such of the members whose particulars have not been verified to appear before him on certain given dates, spread over two weeks and conduct the verification process. Advertisement shall also contain the particulars i.e. the documents, proof of identity etc. to be furnished by the claimants/members for due facilitation of the process.

After taking into account the entire verification process outlined

above, the Registrar shall pass an order appointing a returning officer who shall then fix the schedule for the elections so as to ensure that it is completed not later than 12 weeks from today. The applications are disposed of in the above terms.”

These applications were filed in WP(C) No.7821/2015, which was disposed of vide order dated 21.2.2007, allowing the writ petition in terms of prayer clauses (c) and (d), which read as “*c. to issue an appropriate writ or order/direction to set aside the agenda notice of the elections dated 06.08.2015 issued by the Returning Officer for being illegal, arbitrary, unconstitutional, unjust, unreasonable, manipulated and against the provisions of Delhi Cooperative Societies Act, Rules and by-laws; d. to issue appropriate writ or order/direction to respondent no. 1, to hold free and fair elections of the society after preparing the list of the members in fair and transparent manner in accordance with the provisions of the DCS Act.*” and directing the Returning Officer to notify the schedule of elections within one week from the said date and the elections were to be conducted within three days from the said date.

We have also heard Ms. Jyoti Singh, learned Senior Counsel appearing for the Bank. It is submitted that the Administrator, Mr. Ramesh Tiwari, a retired IAS officer, is verifying memberships and the said exercise

has partly been conducted. 17045 enrolled members have been found to be eligible. However, 12,745 cases are yet to be verified. In 34,015 cases/memberships, KYC documents have not been submitted inspite of the advertisements.

Learned counsel for the Bank submits that the verification process is tedious and time consuming, as it involves door to door visits. Further complaints have been received regarding Bank officers/employees not conducting the said exercise properly. Three employees have been terminated and four suspended.

Counsel for the Bank states that the Court may appoint a retired officer of this Court to work with the Administrator in order to ensure that the verification process can be completed expeditiously. It is also stated that about 8,000 objections have been received and have to be examined.

Learned counsel for the petitioners and the respondents, including the applicants in CM No.43661/2016 [WP(C) No.7821/2015], have endorsed and supported the submission made by the learned Counsel for the Bank.

In these circumstances, we appoint Mr. R.K. Ahluwalia, a retired Registrar of this Court to work with Mr. Ramesh Tiwari, the Administrator, towards completion of the verification exercise. The aforesaid exercise

would be completed on or before 28.2.2017. In case the exercise is not completed by the said date, the Registrar would be asked to appoint another Administrator. Both Mr. Tiwari and Mr. Ahluwalia will work together and ensure that the entire exercise is completed by the aforesaid date. While conducting the verification exercise, they shall take into account the objections raised by the petitioners in this petition.

Mr. Ahluwalia will be paid a fee of Rs.40,000/-, which would be paid by the Bank. It will be open to Mr. Tiwari and Mr. Ahluwlia to take help of third parties to complete the said exercise, but they shall ensure that the verification exercise is completed in a proper and thorough manner.

With the aforesaid directions, the writ petition is disposed of. The pending applications are also disposed of.

Dasti under the signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JANUARY 11, 2017/tp