

\$~21

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

+ W.P.(C) 8403/2017 and CM APPL. 34581-34582/2017

RAKESH KUMAR PACHORI Petitioner

Through: Mr R.P. Shukla and Mr Nidhi Singh,
Ms Uparna Shukla and Mr Prashant Saini, Advs.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr Dev P. Bhardwaj, CGSC and Mr Satya
Prakash Singh, Adv. and Mr Sandip Jain (Director,
DoPT)

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **20.09.2017**

1. The present petition has been filed by the petitioner who claims to be a member of respondent No.4/Kendriya Bhandar praying *inter alia* for issuing directions to the respondent No.2/Central Registrar of Cooperative Societies and the respondent No.3/Returning Officer to declare the election of the respondents No.5-11 to the post of delegates of respondent No.4/Kendriya Bhandar, as null and void, for violation of Section 43(2)(a) of the Multistate Cooperative Society Act, 2002 read with the relevant Byelaws of the respondent No.4/Kendriya Bhandar.

2. At the outset, learned counsel for the petitioner has been requested to address this Court on the maintainability of the present petition, particularly since an equally alternate efficacious remedy under Section 84 of Multistate Cooperative Society Act, 2002 is available.

3. Though learned counsel for the petitioner does not deny the
W.P.(C) 8403/2017

availability of the alternate forum under the Statute, he states that if the petitioner approaches the Registrar, Multistate Cooperative Society and raises a dispute before him with regard to the election of respondent No.5-11 as delegates of respondent No.4, it may take a long time for adjudication. The aforesaid explanation cannot be a justification for the petitioner to bypass the remedy provided under the Statute. We decline to entertain the present petition.

4. The petition is disposed of with liberty granted to the petitioner to seek his remedies under the Multistate Cooperative Society Act, 2002 by raising a dispute before the Registrar.

HIMA KOHLI, J

DEEPA SHARMA, J

SEPTEMBER 20, 2017
bg