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

+ **W.P.(C) 331/2018 & C.M. No. 1388/2018**

**Y P BHATT & ORS**

..... Petitioners

Through: **Mr. Anup Kr. Sinha & Mr. Satya  
Narayan Padhi, Advocates.**

versus

**UNION OF INDIA & ORS**

..... Respondents

Through: **Mr. Ashutosh Ghade & Mr. Nikhil  
Goel, Advocates for Union of India.**

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**12.01.2018**

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Vide the present petition, the petitioners have assailed the communication/order dated 19.12.2017 passed by the respondent no. 2, whereby the appeal filed by the respondent nos. 6 to 15 has been allowed.

The limited grievance raised by Mr. Satya Narayan Pandhi, learned counsel for the petitioners, at this stage, is that the said order was passed without giving an opportunity of hearing or even asking for the comments of the petitioners even though based on their complaints, the Chief Welfare Officer vide his order dated 24<sup>th</sup> July 2017 had directed that the election of the CGERWA Type-II, III & IV, Sector-5 R.K. Puram, New Delhi held on 28<sup>th</sup> May 2017 may be treated as null and void. He submits that grave prejudice has been caused to the petitioners as vide the impugned order, the respondent no. 2 has set aside the aforesaid directions given by the Chief Welfare Officer and has held the elections to be valid and thereby declared the private respondents as elected in those elections.

Learned counsel for respondent nos. 1 to 5 is unable to dispute the fact that the petitioners were neither associated in any manner nor given any opportunity of hearing by the respondent no. 2 while allowing the appeal filed by the private respondents.

The learned counsel for the petitioners submits that in view of the admitted fact that all the private respondents were given a hearing before passing of the impugned order thereby setting aside communication/order dated 24.07.2017 passed by Chief Welfare Officer on basis of the petitioner's complaint the petitioners should be granted an opportunity to make a detailed representation to the respondent no. 2, which should be considered on merits.

At this stage, learned counsel for respondent nos. 1 to 5 fairly submits that in case a representation is made by the petitioners the same will be considered on merits and a speaking and reasoned order will be passed with regard to the same by giving a hearing to the present petitioners.

It is, therefore, deemed appropriate that the petitioners be granted liberty to submit a detailed representation within ten days and it is further directed that the matter will be decided within four weeks thereafter. However, it is made clear that in case respondent no. 2 finds merit in the submissions of the petitioners, he would be entitled to re-open the matter and, if necessary, call all the private respondents before passing any final order.

The petition is disposed off in above terms alongwith the application.

**REKHA PALLI, J**

**JANUARY 12, 2018**  
**NC/av**