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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 92/2018, CAV.184/2018, C.M. APPL.8782/2018, 8783/2018,
8784/2018 & 8785/2018

SUSHIL KUMAR TAPARIA Appellant
Through : Sh. Arpit Bhalla, Advocate.

versus

MAHESHWARI MANDAL (DELHI) & ORS Respondents
Through: Sh. Abhinav Vasisht, Sr. Advocate with
Sh. Virendra Mehta, Ms. Priya Singh, Sh.
Divyakant Lahoti, Ms. Amrita Grover, Sh.
Parikshit Ahuja and Sh. Mukul Gupta, Advocates,
for Respondent No.1.
Sh. Satyakam, ASC, for GNCTD/Respondent Nos.
2 and 3.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

% **ORDER**
11.04.2018

Issue notice. Sh. Virender Mehta, Advocate accepts notice.

The appellant challenges an order of the learned Singe Judge, who rejected his writ petition. The appellant's grievance in the writ petition is that the amendment carried out to the respondent Society by its Governing Body, which was sought to be registered, was contrary to the Societies Registration Act [hereafter "the Act"], as amended and applicable in the GNCTD. More particularly, it was contended that the devolution of membership or succession of certain category of members, i.e. members who were permitted to enter the

Society by paying substantial amounts, was contrary to the Act. He also complained that the procedure followed by the Governing Body, which has a membership of over 1000 members, did not conform to the requirement of the Act and the Memorandum of Association (MoA) applicable to the Society.

Learned Single Judge, after considering the material on record, the provisions of the Act and the amendments made by the GNCTD by insertion of Sections 12A to 12C, held that there was no obligation to register any amendment in the MoA or rules of the Society, other than a change in the name. The learned Single Judge, also cited and relied upon the previous rulings of this Court.

The appellant complains that the judgment relies upon Section 12A(2), to say that the Registrar does not possess the power to reject any changes in the MoA apart from the substitution of the name; he also submitted that the Society did not follow the prescribed procedure of issuing notices prior to the name change. Learned counsel for the respondent contested the submissions and relied upon *Managing Committee, Khalsa Middle School and Anr. v. Mohinder Kaur (Smt) and Ors.* 1993 Supp (4) SCC 26, in support of the impugned judgment. It was highlighted that the Supreme Court ruled that there is no requirement in the Act which requires registration of any amendment in the MoA or the rules or regulations of the Society to be registered with the Registrar. It was also submitted that the present petitioner has also filed a suit with respect to the similar allegations and besides, that he had contested the elections unsuccessfully after the amendments were carried out.

After considering the materials on record, especially Section 12A, the Court is of the opinion that no interference is called for, especially in the light of the judgment in *Khalsa (supra)*. At the same time, it is clarified that any observations made in the impugned judgment to the extent that they are relevant or material to decide the civil suit (as regards the procedure adopted, i.e. whether appropriate and timely notices were issued in accordance with law or the MoA) shall not be treated conclusive or decisive. All rights and contentions are kept open. The appeal is dismissed subject to above terms.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 11, 2018/ajk