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

+ **W.P.(C) 6951/2018**

SH. NIRMAL KUMAR AGARWAL Petitioner

Through: Mr. H.K. Shekhar, Advocate.

versus

**SECRETARY-CUM-REGISTRAR COOPERATIVE SOCIETIES
GNCT OF DELHI AND ORS.** Respondents

Through: Ms. Sukriti Ghai, Advocate for Mr.
Devesh Singh, Advocate for R-1, 2 and 3.

Mr. Rajiv Vig, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
06.07.2018

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Nirmal Kumar Aggarwal has filed the present writ petition for quashing order dated 23rd April, 2018, passed by the Registrar Co-operative Societies appointing Mr. G.S. Aggarwal, as Returning Officer under Section 35(1) of Delhi Cooperative Societies Act, 2003 to conduct election of the Managing Committee of Seema Co-operative Group Housing Society Limited within a period of 90 days.

2. Thereupon, Mr. G.S. Aggarwal, as a Returning Officer had issued the agenda notice dated 7th June, 2018 for holding of elections. Elections are to be held on 8th July, 2018.

3. It appears that the president of Seema Co-operative Group Housing

Society Limited has filed a revision petition before the Financial Commissioner, Delhi seeking annulment of the order dated 24th April, 2018. The said petition is pending. Initially, status quo was granted by order dated 31st May, 2018. However, after hearing, stay was vacated by the Financial Commissioner on 8th June, 2018. The petitioner filed the present writ petition on 3rd July, 2018 (re-filed on 5th July, 2018), when the elections are due to be held on 8th July, 2018. The assertion is that the elections are not due and cannot be held in terms of Section 35 of the Act. The petitioner has, however, enclosed a copy of the notice dated 12th June, 2018 under the signature of the Secretary of the Co-operative Society. Reading of the said notice would indicate that the members of the Management Committee have not appreciated and accepted the challenge made by the President of the Management Committee by filing the revision petition. It apparently appears that the Management Committee itself wants that election should be held. Copy of the relevant papers and documents mentioned in the notice dated 12th June, 2018 have not been enclosed with the writ petition.

4. In these circumstances, we are not inclined to issue notice and grant stay on the elections. However, we leave it open to the petitioner, if aggrieved, to challenge the elections after they are held in accordance with law. Recording the aforesaid, the writ petition is dismissed, without any order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JULY 06, 2018MR/NA