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

+ W.P.(C)9936/2018 & C.M.Nos.38701-02/2018

HARSH VIHAR CO-OPERATIVE HOUSE BUILDING SOCIETY
LIMITED Petitioner

Through Mr.R.K.Gupta, Adv.

versus

THE REGISTRAR CO-OPERATIVE SOCIETIES..... Respondent

Through Mr.Mavashwy Jha, Adv for
Mr.Sameer Vashisht, ASC with Mr.Jitendra
Kumar, A.R.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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20.09.2018

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the order dated 31.08.2018, passed by the Registrar Cooperative Societies (RCS) stating that the term of the Managing Committee of the petitioner/Society had expired as long back as on 06.08.2014, but they had failed to conduct the elections in accordance with the DCS Act 2003 and DCS Rules 2007. Accordingly, the RCS has proceeded to appoint an Administrator of the Society for managing the day to day affairs as also to hold the elections of the Managing Committee within 90 days from the date of his appointment.

W.P.(C)9936/2018

page 1 of 2

2. Learned counsel for the petitioner states that the impugned order dated 31.08.2018 has not been served on the petitioner/Society so far. Counsel for the respondent/RCS submits that the said order had been inadvertently dispatched at the wrong postal address of the petitioner/Society. A copy of the said order shall be furnished to the petitioner/Society through the counsel in the course of the day.

3. Coming to the submission made by the learned counsel for the petitioner that the Society has already appointed Mr.M.M.Gupta, as a Returning Officer through a Special General Body meeting of the Society conducted on 03.09.2018 and he has been tasked with conducting the elections of the Managing Committee of the Society on 29.09.2018, having regard to the fact that the respondent/RCS has issued an order dated 31.08.2018, appointing a Government Officer as an Administrator, there is no reason to permit the petitioner to appoint any other person as a Returning Officer for conducting the elections. The officer appointed by the respondent/RCS shall not only act as an Administrator of the petitioner/Society for conducting the elections of the Managing Committee within the time stipulated in the impugned order dated 31.08.2018, but he shall also manage its day to day affairs till the new Managing Committee takes over charge.

4. The present petition is dismissed alongwith the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

SEPTEMBER 20, 2018/sr
W.P.(C)9936/2018

page 2 of 2