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

\+ W.P.(C) 12956/2018

SUNIL SACHDEVA & ANR

..... Petitioner

Through: Mr. S.S. Sastry, Sunil Sachdeva and Brijesh Tiwari, Adv.

versus

THE REGISTRAR OF CO-OPERATIVE SOCIETIES & ANR

..... Respondent

Through: Mr. Sanjoy Ghose, ASC with Ms. Urvi Mohan, Adv.
Mr. H.S. Kohli for caveator

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **03.12.2018**

Cav No.1111/2018

Since the caveator has put in appearance, the caveat stands discharged.

C.M. No. 50266/2018

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 12956/2018 & C.M. No.50265/2018

Issue notice. Notice is accepted on behalf of the respondent no.1 by Mr. Ghose. The same is accepted on behalf of the intervenor before the Delhi

Cooperative Tribunal, who has not been impleaded as party respondent, has preferred a caveat by Mr. Kohli. The Administrator in respect of respondent No.2 Mr. R.P. Gupta is present in court and he also accepts notice.

The petitioner assails the order dated 25.10.2018 passed by the Financial Commissioner. The grievance of the petitioner is that by a reasoned order dated 15.06.2017, the Financial Commissioner had stayed the elections of respondent No.2. However, by the impugned order, without recording any reasons, on the application of the intervenor – the stay of holding of elections has been vacated.

Neither party can dispute the position that the Financial Commissioner was obliged to record reasons for vacating the stay order dated 15.06.2017. In view of the aforesaid, we set aside the impugned order and remand the case back to the Financial Commissioner. In case either party wishes to press for vacation of stay of the elections, the party may move an application for that purpose and the same shall be decided by the Financial Commissioner after granting opportunity to all parties concerned by a speaking order.

Since the Administrator has been holding the position since April 2016, we request the Financial Commissioner to expedite the disposal of the revision petition itself.

The petition stands disposed of in the aforesaid terms. Dasti.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 03, 2018 sr