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

+ W.P.(C) 450/2019 & CM No.2057/2019

RUPANJANA DE, MEMBERSHIP NUMBER

FCS 7530 & ANR

..... Petitioners

Through : Mr. Pankaj Jain and
Mr. Sagar Bansal, Advs.

versus

THE INSTITUTE OF COMPANY

SECRETARIES OF INDIA & ANR Respondents

Through : Mr. Vivek Sibal and Mr. R.D.
Makheeja, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.01.2019

The petitioners challenge the declaration of results in the recently concluded elections of the Institute of Company Secretaries of India (ICSI). Various allegations were made by the petitioners with respect to the irregularities in the elections, especially the counting of ballots and the attribution of votes to one or the other candidates.

At the outset, learned counsel appearing for the Institute pointed out that the remedy of seeking resolution of election dispute, through a reference to an Election Tribunal under Section 10A of the Company Secretaries Act, 1980 is available and that the petitioners have in fact invoked it through an e-mail dated 10.01.2019. Learned counsel also

stated that the institute has forwarded the petitioner's request and that an Election Tribunal would be constituted.

Having regard to the submissions made, this Court is of the opinion that the nature of dispute and the grievance articulated are not capable of resolution in a writ petition. At the same time, to ensure fairness, Shri Shekhar Kumar, Advocate (Mob.No.971008884) is appointed as a Commissioner to forthwith visit the premises of the Institute (preferably within three days) and ensure that the votes cast are appropriately sealed and secured, so that the material is available at the stage when the election dispute is tried by the Tribunal. The fees of the Commissioner is fixed at ₹50,000/- to be paid by the Institute.

The writ petition is disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

JANUARY 18, 2019

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