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

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Judgment delivered on: 10.09.2021

+ FAO 214/2021 & CM APPL.30650/2021

BHUPINDER SINGH BULLAR

..... Appellant

versus

DIRECTORATE OF GURDWARA ELECTIONS & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Harish Malhotra, Senior Advocate with Mr. Abinash Kr. Mishra, Advocate (through VC).

For the Respondent:

Mr. Kushagra Pandey, Panel Counsel (Civil)
GNCTD/R-1 & 3
Mr. Abhijat Bal with Mr. Naginder Benipal, Advocates
for R-2.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Learned counsel appearing for the Director, Directorate of Gurudwara Elections has produced in a sealed cover the record of election of co-option of members which was held on 09.09.2021.

2. It is submitted by learned counsel that for co-option minimum 16 votes were required. He submits that one of the candidates has secured 18 first preference votes and since he has crossed the threshold he is liable to be declared as co-opted.

FAO 214/2021

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3. Learned counsel further submits that out of the remaining 2 members both of them have not secured the threshold of 16 first preference votes and accordingly the second preference votes are required to be counted to determine the second co-opted member.

4. Learned senior counsel for the appellant, under instructions, submits that the appellant does not wish to press for the counting of his vote, which has also been produced in a sealed cover. He accordingly seeks withdrawal of his vote. He submits that this is without prejudice to the rights and contentions of the appellant in the Election Petition.

5. In view of the above, the sealed covers are returned unopened to the Election Officer.

6. The Election Officer shall ignore the vote of the appellant and not take it into account for any purposes.

7. The remaining process of co-option shall be continued, in accordance with the rules and the remaining votes counted and the result of the co-option of members shall declared preferably within two days from today.

8. Digital copy of the Election Petition as well as all documents, pleadings and applications be furnished to learned counsel for the appellant during the course of the day.

9. It is submitted by learned counsel for respondent No.2 that digital copy has been furnished to Mr. Abinash Kumar Mishra, Advocate, however, another copy shall be furnished during the course of day.

10. Reply/Written statement to the Petition as well as reply to the application and supporting documents, if any, be filed by the appellant with the Trial Court before the end of the day on 13.09.2021. Replication thereto if any, be filed by 15.09.2021.

11. The Petition shall be listed before the Trial Court on 17.09.2021 on which date the Trial Court shall hear arguments and endeavour to dispose of the application for interim protection under Order 39 Rule 1 & 2 CPC preferably within a period of one week therefrom.

12. The time frame has been fixed with the consent of the parties and keeping in view that further steps under Section 4 of the Delhi Sikh Gurudwara Act, 1971 have to be taken expeditiously.

13. It is clarified that the Director shall continue the process under Section 4 of the Delhi Sikh Gurudwara Act, 1971 particularly the steps in which participation of the appellant is not required.

14. It is further clarified that this would be without prejudice to the rights and contentions of the parties.

15. Appeal is disposed of in the above terms.

SANJEEV SACHDEVA, J.

SEPTEMBER 10, 2021

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