

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

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Date of Decision: May 23, 2023

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W.P.(C) 7144/2023, CM APPL. 27837/2023

VIJAY KUMAR KASHYAP & ORS.

..... Petitioners

Through: Mr. K.C. Mittal, Mr. Rakesh Sherawat, Ms. Seema Sharma, Ms. Sujata Nath, Ms. Shalini Thakur, Ms. Shubhangi Jain and Ms. Suhani Sumanchna, Advocates.

versus

REGISTRAR, OFFICE OF THE REGISTRAR OF THE COOPERATIVE SOCIETIES & ANR.

..... Respondents

Through: Mr. Udit Malik, ASC, GNCTD with Mr. Vishal Chanda, Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 27838/2023

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 7144/2023, CM APPL. 27837/2023

3. This petition has been filed by the petitioners with the following prayers:

"i) Issue an appropriate Writ in the nature of Mandamus or any other Writ, order or direction to set aside the Result of the Special General Body Meeting/ the election of the new Management Committee of "The Shri Sain Samaj Cooperative Thrift and Credit Society Ltd." held on 23.04.2023.

And/or in the alternative stay the taking of charge of the elected Managing Committee of the Society vide elections held on

23.04.23 till such time the Respondent No.1 and 2 separately decides on the representations of the Petitioners.

ii) Issue an appropriate Writ in the nature of Mandamus or any other, order or direction directing the Respondent No.1 and Respondent No.2/Returning Officer to decide on the representation dated 25/26.4.2023.

iii) Call for the video footage covering the complete election process held on 23.4.2023.”

4. The petitioners are challenging the election conducted to the Management Committee of the Society being The Shri Sain Samaj Cooperative Thrift and Credit Society Ltd.

5. At the outset, it was put to Mr. Mittal that the remedy for the petitioners is to seek arbitration in terms of Section 70 of DCS Act, 2003. Mr. Mittal states, he shall withdraw the petition to enable the petitioners seek the remedy of arbitration by approaching the RCS for appointment of Arbitrator so as to make a prayer for interim relief before Arbitrator. His only plea is that there should be a direction for early disposal of the dispute by the learned Arbitrator.

6. Dismissing the petition and application as withdrawn, in so far as the plea of Mr. Mittal for an early disposal of proceedings is concerned, liberty shall be with the petitioners to impress upon the Arbitrator for an early disposal of the dispute.

7. With the above, the Writ Petition is disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

MAY 23, 2023/akc