



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

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Date of Decision: August 11, 2023

**+ W.P.(C) 10680/2023 & CM APPLs. 41419/2023 & 41420/2023
NARESH KUMAR Petitioner**

Through: Mr. Dharmender Kumar and Mr.
Gaurav Bindal, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Satyakam, ASC, GNCTD/R-1 &
R-2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 41419/2023

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 10680/2023 & CM APPL. 41420/2023

1. This petition has been filed by the petitioner with the following prayers:

“a. Pass a writ, order or direction in the nature of mandamus for implementation of order dated 20.06.2023 passed by the Delhi Co-operative Tribunal in appeal no. 054/2022;

b. Pass a writ, order or direction in the nature of mandamus directing the respondent no. 2 & 3 to implement



the order dated 20.06.2023;

c. Or may pass an order to allow the petitioner to take part in the election and cast his vote.”

2. Mr. Satyakam, who appears for the respondents no. 1 & 2 has placed before us a communication dated August 09, 2023 of the Assistant Registrar in the office of Registrar of Cooperative Societies addressed to the respondent no. 3, wherein the following has been stated:

*“OFFICE OF THE REGISTRAR CO-OPERATIVE SOCIETIES
GOVT. OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-
110001*

F.NO. 107583168/RCS/S-IV/2023/

Dated:

To,

*The President / Secretary,
Munirka CGHS Ltd.,
Flat No. 11, Sector 9,
Dwarka, New Delhi-110077*

Sub: Regarding order of Hon'ble DCT in Appeal No. 054/2022/DCT (from Arb Case No. 28./GH/DR/ARB/2020-21) in the matter of Munirka CGHS Ltd. & Ors. Vs. Naresh Kumar.

Sir,

Please find enclosed herewith the copy of representation dated 01.08.2023 received from Sh. Naresh Kumar (MS No. 314), Munirka CGHC Ltd. requesting to change the Returning Officer as he is not being allowed to contest the society elections. Sh. Naresh Kumar has also enclosed copy of DCT order dated 20.06.2023 wherein the Ld. DCT has inter alia held that Sh. Naresh Kumar had been a valid member of the society since 11.08.2019.



Hence, you are hereby directed to comply the order dated 20.06.2023 passed by Ld. DCT in letter and spirit by including his name in the members list of the society.

This issues with the prior approval of Competent Authority.”

3. According to Mr. Satyakam, the respondent no. 2 has clearly written to the respondent no. 3 to ensure compliance of the order dated June 20, 2023, including the name of the petitioner in the members list of the society. He also states, the RCS shall ensure compliance of the same.

4. In view of the submission made by Mr. Satyakam, the petition is disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

August 11, 2023/akc