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

+ C.R.P. 295/2023

PAMPOSH RESIDENT WELFARE ASSOCIATION (REGD.)

..... Petitioner

Through: Mr. Swarnendu Chatterjee, Mr.
Khyati Dhupar, Ms. Deepakshi
Garg & Ms. Diksha Pathak,
Advs.

versus

**AIR VICE MARSHAL DR. R.K. GANJOO (RETD.) AND
OTHERS**

..... Respondents

Through: Mr. Rakesh Tiku, Sr. Adv. with
Mr. Lokesh Bhardwaj & Mr.
Ashish, Advs.

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+ C.R.P. 20/2024 & CM APPL. 2553/2024, CM APPL.
11630/2024, CM APPL. 11631/2024 – EXMP.

**PAMPOSH RESIDENT WELFARE ASSOCIATION REGD
THROUGH ITS PRESIDENT SUNIL JAIN..... Petitioner**

Through: Mr. Swarnendu Chatterjee, Mr.
Khyati Dhupar, Ms. Deepakshi
Garg & Ms. Diksha Pathak,
Advs.

versus

AIR VICE MARSHAL DR RK GANJOO RETD AND ORS

..... Respondents

Through: Mr. Rakesh Tiku, Sr. Adv. with
Mr. Lokesh Bhardwaj & Mr.
Ashish, Advs.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

11.03.2024

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1. Learned counsel appearing for the petitioner submits that he has



instructions to make a statement to the effect that for the purpose of holding the elections to the RWA in question, the members who were supposed to make payment of subscription up to 31.12.2022 as extended up to 31.03.2023 only should be reckoned for the purpose of the electoral role/voters' list..

2. The aforesaid statement is made by the learned counsel for the petitioner in terms of previous order of this Court dated 26.02.2024 which reads as under:-

“1. Learned counsel for the petitioner has pointed out that the cost of Rs.25,000/- imposed upon them has since been set aside by the Supreme Court in SLP (Special Leave Petition) No. 4170/2024 *vide* order dated 19.02.2024.

2. Arguments have been addressed in some detail by learned counsels for the parties present. The long and short of the discussion that has followed is that as per the petitioner, the members of the RWAS who had paid the annual subscription up to 31.12.2022, which was extended upto 31.03.2023, could only be considered for the purpose of reckoning the voters“ list.

3. *Per contra*, learned counsel for the respondent has urged that all those who have made the payment i.e., even new members up to 30.06.2023, should be reckoned.

4. Learned counsel for the parties are agreeable that the election of the association, namely Pamposh Resident Welfare Association (PRWA), should take place at the earliest.

5. They request time to seek instructions from the parties concerned.”

3. Mr. Rakesh Tiku, learned Senior Counsel appearing for the respondents submits that 98 members had applied up to 31.03.2023, and in addition thereto 93 members have also paid subscriptions from 01.04.2023 to 30.06.2023 in terms of the directions *vide* previous order dated 15.01.2024 given by this Court in C.R.P. 20/2024.

4. The long and short of the submissions made by the learned counsels for the parties is that acknowledge that elections to the RWAs should be held at the earliest. Insofar as



the impugned order dated 14.02.2023 is concerned, as modified by the order of this Court dated 15.01.2024, this Court finds that there are no grounds to interfere with the same.

5. Learned Trial Court is impressed upon to proceed further with the necessary proceedings and decide the pending applications for holding of elections of the RWA as per law as expeditiously as possible. Nothing contained herein shall tantamount to an expression of opinion on the merits of the case. This order is passed without prejudice to the rights and contentions of the parties.

6. These revision petitions along with pending applications are accordingly disposed of.

DHARMESH SHARMA, J.

MARCH 11, 2024/sa