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

+ W.P.(C) 1601/2024 & C.M.No.6645/2024

VIDYA VIHAR CGHS LTD & ORS. Petitioners

Through: Petitioner no.2 in person.

versus

SH. DHARAM SINGH YADAV & ORS. Respondents

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

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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09.02.2024

1. Present writ petition has been filed challenging the award dated 23rd January, 2024 passed by the Arbitrator in Arbitration Case No.59/GH/DR/ARB/21-22, whereby the Arbitrator held that the petitioners were not eligible to contest the elections of the Society and therefore they stand disqualified from continuing in the present Managing Committee of the society on the ground of delay in filing the audit report for the financial year 2018-2019.

2. Admittedly, the impugned award can be challenged by filing an appeal before the Delhi Co-operative Tribunal. The petitioner no.2, who appears in person, admits that the petitioners have already filed an appeal along with an application seeking interim stay of the impugned award. He, however, states that the Delhi Co-operative Tribunal is at the moment *coram non judice* as the term of its members has expired.



3. Learned counsel for Registrar Co-operative Society states that appointment of a new Judicial Member has been processed, who will take charge on 01st March, 2024. He states that the term of the Administrative Member is in the process of being extended. He assures and undertakes to this Court that the term of the Administrative Member shall be extended by 01st March, 2024. He also states that the respondents are in the process of appointing the Judicial Member as the Chairman of the Tribunal.

4. Keeping in view the aforesaid statements/assurances, the present writ petition along with the application stands disposed of directing the Delhi Co-operative Tribunal to decide the petitioners' appeal as expeditiously as possible preferably on or before 15th March, 2024. Till the disposal of the interim application filed by Petitioner's herein in the said appeal, there shall be a stay of the impugned award.

5. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

**FEBRUARY 9, 2024
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