



2024:DHC:907-DB



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

+ W.P.(C) 1699/2024 and CM APPL. 7001/2024

**MAA JHANDEWALI CO-OPERATIVE URBAN THRIFT AND  
CREDIT SOCIETY THROUGH ITS SECRETARY**

..... Petitioner

Through: Mr. N.S. Dalal, Mr. Alok Kumar and  
Ms. Rachana Dalal, Advocates

versus

**THE REGISTRAR OF COOPERATIVE SOCIETIES AND ANR**

..... Respondents

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

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Date of Decision: 06<sup>th</sup> February, 2024

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**JUDGMENT**

**MANMOHAN, ACJ : (ORAL)**

1. Present writ petition has been filed challenging the order dated 01<sup>st</sup> February, 2024 passed by the Respondent No. 1 under Section 35(1) of the Delhi Co-operative Societies Act, 2003 (“**DCS Act**”) whereby Shri Bajrang Lal, DANICS (Retd.) has been appointed as the Returning Officer for conducting the elections of the Managing Committee of the Petitioner-Society, in view of complaints received from the members of the Petitioner-Society.

2. Learned counsel for the Petitioner states that on 12<sup>th</sup> December, 2023, a resolution was passed by the Petitioner-Society for conducting elections



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for the Managing Committee for the period 2024-2027, and on 18<sup>th</sup> December, 2023, Mr. Rajender Kumar was appointed as the Returning Officer for conducting the said elections. He further states that the process of conducting the elections of the Managing Committee of the Petitioner-Society had started on 28<sup>th</sup> December, 2023, when the Returning Officer sent information to the Authorities for conducting the elections. He states that once such process had started, the Respondent No. 1 had no jurisdiction to interfere or obstruct the same, or pass any order regarding the elections.

3. He submits that as per the first proviso to Section 35(1) of the DCS Act, the Registrar is empowered to appoint the Returning Officer to conduct the elections of a society, only on the request of the committee or one-sixth members of the society. He points out that while the order dated 01<sup>st</sup> February, 2024 acknowledges that the said decision to appoint the Returning Officer was taken pursuant to complaints received from the members of the Petitioner-Society; however, it does not clarify whether one-sixth members of the Petitioner-Society had requested for such an appointment.

4. Issue notice. Mr. Udit Malik, learned Additional Standing Counsel, GNCTD accepts notice. He states that he has no instructions.

5. Keeping in view the aforesaid submissions as well as the fact that the election is scheduled to be held on 18<sup>th</sup> February, 2024, this Court sets aside the impugned order dated 01<sup>st</sup> February, 2024 and appoints Mr. Javed Khan, Mobile No.9667077344 as an Observer to the said election. The Observer shall not only be present during the time the members vote but he shall also file his report with the Registry of this Court within two weeks. The fee of the Observer is fixed at Rs. 25,000/- to be paid by the Petitioner Society.



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6. With the aforesaid directions, the present writ petition stands disposed of. Pending application is disposed of.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**FEBRUARY 6, 2024/msh**

Signature Not Verified

Digitally Signed By: ASWANT  
SINGH RAWAT  
Signing Date: 07-02-2024  
21:16:59

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