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

+ **W.P.(C) 2598/2024, CM APPL. 10703/2024 - STAY**

RAKESH KUMAR VORA & ANR.

..... Petitioners

Through: Mr. Y. Bansal, Adv for P1 and P2.

versus

KASHMERE GATE BAR ASSOCIATION & ORS. Respondents

Through: Mr. Madan Lal Sharma, Adv. for R1
along with Mr. Satbir Sharma (Acting
President).

Mr. Divyam Nandrajog, Panel
Counsel, GNCTD along with Ms.
Surbhi Soni, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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21.02.2024

CM APPL. 10704/2024 (Exemption from filing certified copies of annexures)

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

W.P.(C) 2598/2024

3. The present petition has been filed by the petitioners raising a grievance as regards their non-inclusion in the final list of eligible voters for the upcoming elections of Kashmere Gate Bar Association.
4. The Election Officer for conducting the said elections was appointed by this Court *vide* order dated 01.11.2023. The relevant portion of the said order dated 01.11.2023 reads as under:-



“8. In view of these submissions, the writ petition is taken on Board with the consent of learned counsel for the parties, is disposed of with the following directions:

A. Mr. Vinay Kumar Gupta, former Principal District & Sessions Judge [Tel: 9910384701], is appointed as the Election Officer in place of respondents Nos. 2 and 3 to conduct the elections to the respondent No. 1 - Association.

B. The Election Officer will call for a fresh election by issuing an appropriate notice.

C. The Election Officer will draw up a list of eligible members in accordance with the Memorandum and Articles of Association and the applicable resolutions of the Association. Nominations for the post of office bearers etc. will be invited afresh.

D. The Association and its members are directed to cooperate with the Election Officer for the expeditious conduct of the election. It is expected that this process will be concluded within a period of eight weeks from today.

E. Mr. Piyush Pahuja, learned counsel for the respondent No. 2 - Election Officer, states that respondent No.2 has certain funds of the Association in his possession which have been received by way of membership fees. Respondent No.2 will render complete accounts in this regard to the Election officer appointed by virtue of this order, and also make over the amount lying with him to the new Election officer.

F. The remuneration of the Election Officer is fixed at Rs.1.50,000/-, to be borne by the Association.

G. The Election Officer will be entitled to take such secretarial assistance as he may require, for which costs will be borne by the Association.

H. Until the election process is completed, if any controversies arise as to the running of the Association, those will also be resolved by the Election Officer acting as a Court Commissioner.

I. Any meeting of the Association held during this period will be chaired by the Election Officer.”

5. Pursuant to issuance of the final list of eligible voters, the Election Officer has also issued the date for filing nomination i.e. 14.02.2024. The elections are slated to be held on 23.02.2024.

6. Given that the election process has already been set in motion and is at an advanced stage, this Court is not inclined to interdict the conduct of the



upcoming elections. However, the election officer is directed to consider the present petition as a representation of the petitioners, and take an appropriate decision thereon, in accordance with law.

7. Needless to say, the petitioners shall be entitled to take appropriate remedies in accordance with law, if they are aggrieved with the aforesaid exercise and/or the conduct/ outcome of the upcoming elections.

8. The present petition along with the pending application/s stands disposed of.

9. Copy of this order be given *dasti*.

SACHIN DATTA, J

FEBRUARY 21, 2024/AT