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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 133/2019 & CM APPL. 42372/2019**
PRATIBHA RAI & ANRPetitioners
Through: Petitioner No.2 in person.

versus

CMP SINHA, ERSTWHILE SECRETARY & ORS.
.....Respondents
Through: Mr. Akash Swami, Adv. for R1
& R-2.
Mr. Gajendra Giri & Mr. D.S.
Bhandari, Advs. for R-4.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER
% **09.08.2024**

1. Having heard petitioner No.2, who has argued his matter in person as well as the learned counsels for respondents No. 1 & 2 besides respondent No.4, this Court finds that the present Contempt Petition no longer survives.

2. Shorn of unnecessary details, the grievance of the petitioners was that the elections of the Society had not taken place in accordance with Section 31 of the Delhi Co-operative Societies Act, 2003 and since the term of the Management Committee had expired long time, it was not competent to hold any elections. The said grievance espoused in W.P. (C) 12820/2018 was disposed of *vide* order dated 30.11.2018, thereby passing the following:-

Considering the controversy raised by the petitioners and with a view to nip any such controversy in the bud, we consider it appropriate to substitute the Election Officer while not disturbing the AGM schedule. Accordingly, we direct that the AGM shall be



held, as proposed, on 02.12.2018. However, Mr. K.K. Nangia, Election Officer is substituted with Mr.Dhiraj Singh Bhandari, Mobile No.7042367368, 9910390912 in his place. While making this substitution, we make it clear that we have not gone into the correctness, or otherwise, of the allegations made and the said substitution is being made only with a view to obviate any controversy later on. As the time period is short, and also since this order does not adversely impact the rights either of the Society, or the members of the erstwhile Managing Committee, or of the Election Officer, we do not consider it necessary to put either the Election Officer, or the members of the erstwhile Managing Committee or the Society to notice. We direct Sh.K.K.Nangia to deliver the entire record that he may be in possession of to Mr.D.S.Bhandari, who is appointed as the Election Officer. The erstwhile Managing Committee and the members of the said Committee of the Society are directed to cooperate with Mr.D.S.Bhandari, the newly appointed Election Officer. All the expenses shall be borne by the Cooperative Society. It shall be open to the petitioner to raise all his other grievances before the appropriate Forum.

The petition stands disposed of in these terms.”

3. Shorn of unnecessary details, elections were held and a Compliance report to that effect has already been filed by the respondent No.4 on the record.
4. Respondent No.4, Mr. D.S. Bhandari, who is the Election Officer, is present in person. He submits that he took over the duties as Election Officer and conducted elections of the Office Bearers of the Society, which tenure too has expired in the year 2022. It is submitted that the entire election process was conducted after approval of the Registrar of the Societies.
5. The grievance of the petitioners is that despite directions of this Court dated 28.02.2024, the respondent No.3 who was the erstwhile Secretary of the Society has not cared to file any reply in these proceedings, which amounts to committing contempt of the directions of this Court.
6. I am afraid the said plea does not cut any ice. Although,



respondent No.3 has not cared to file a reply in these proceedings, it does not amount to contempt by any stretch of imagination. Evidently, a Compliance report has already been submitted on behalf of the respondents No.1 and 2 in terms of order dated 28.02.2024 and it is clearly brought forth that the AGM was duly held on 02.12.2018 pursuant to the aforesaid order dated 30.11.2018. Further, elections were held on 22.02.2022 and the period of three years of the present Officer Bearers shall expire on 17.02.2025.

7. Nothing survives in the present contempt proceedings since the substratum of the matter stands satisfied.

8. Hence, the present contempt petition is disposed of as having been satisfied.

DHARMESH SHARMA, J.

AUGUST 9, 2024/sm