



2024:DHC:6851-DB



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

+ **W.P.(C) 11646/2024 & CM APPL.48388/2024**

SH BIRENDAR SINGH

.....Petitioner

Through: Ms.Namita Roy, Advocate with
Ms.Gopa Biswas, Advocate.

versus

THE REGISTRAR OF CO-OPERATIVE SOCIETIES & ANR.

.....Respondents

Through: Ms.Rachita Garg, Advocate, with
Mr.Agam Rajput and Ms.Preeti,
Advocates for R-1 along with
Mr.Anil Kumar Singh (RCS),
Mr.Tariq Salam (Adminstrator),
Ms.Suman Kumari (ARC) and
Mr.Pradeep Kumar (DRCC).
Mr.Santosh Kr.Tripathi, Advocate
and Mr.Udit Malik, Advocates.

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Date of Decision: 05th September, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present petition has been filed challenging the order dated 13th July, 2024 passed by the Administrator cum Returning Officer of Respondent No.2-Society, whereby the election process of Respondent No.2-Society was postponed indefinitely by Respondent No.1.

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2. In pursuance to the last order, the Registrar of Cooperative Societies and Administrator are personally present. They state that the election to the Managing Committee of the cooperative society shall be held on 6th October, 2024. They have handed over a copy of the letter dated 3rd September, 2024 written by the Administrator to the Assistant Registrar, Registrar of Cooperative Societies, which reads as under:-

**“OFFICE OF THE ADMINISTRATOR
OF THE QUETTA COOP. G.H SOCIETY LTD.
PLOT NO.5-C, SECTOR-22, DWARKA, NEW DELHI-110077**

Dated:- 03-09-2024

To,

The Asstt. Registrar (Sec-6/GH)
O/o the Registrar Coop. Societies,
Parliament Street,
New Delhi-110001

Subject: Regarding Issue of Agenda Notice.

Madam,

Please refer to your letter no. F.47/1255/Coop/GH/NW/667 dated 28-08-2024 regarding clarification of discrepancies in the election of the managing committee of the Quetta CGHS Ltd. It has been advised by the competent authority that to consider member as a valid member to participate in the election process of the society who paid all charges except land and construction cost as per the DCS Act and Rules.

Accordingly, a list of members have been prepared and circulated for payment of outstanding dues to participate in the election to be held on 06-10-2024. A copy of agenda notice, list of members and list of outstanding dues are forwarded for information.

It is also stated that the competent authority has also granted extension of tenure of Administrator-cum-RO for another 45 days w.e.f 03-08-2024 which is over up to 16-09-2024. It is requested to further extend the tenure 10-10-2024 as the election is to be held on 06-10-2024.

Yours faithfully,
Sd/-
(TARIQ SALAM)
Administrator”

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3. Though, learned counsel for the Petitioner states that the list of eligible voting members should be determined in accordance General Body Resolution dated 21st April, 2024, yet the Administrator states that election should be held after excluding the up to date defaulters' list. He clarifies that fifteen (15) days' time has been given to the defaulting members to clear their outstanding dues. He states that in the event outstanding dues are paid by the defaulting members within the stipulated time, they shall be entitled to vote.

4. This Court is of the view that as elections are going to be held after a gap of six (6) years, it would be prudent to go along with the decision of the Administrator.

5. The alleged defaulting members are directed to clear their outstanding dues without prejudice to their right to raise dispute, if any, before the next Managing Committee.

6. It is further directed that the election schedule shall not be changed or amended without taking prior consent of this Court.

7. With the aforesaid direction, the present writ petition along with application stands disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 5, 2024
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Signature Not Verified

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