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

+ **W.P.(C) 13891/2024**

HARI PRAKASH

.....Petitioner

Through: Mr.Satya Mitra, Advocate.

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND ORS

.....Respondents

Through: Mr.Jawahar Raja, ASC for R-1.
Mr.J.P.Singh, Sr.Advocate with
Mr.Vivek Kumar Tandon,
Mr.Mayank Tiwari and Mr.Harshit
Gahlot, Advocates for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

09.10.2024

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C.M.No.59871/2024

1. Present application has been filed by the petitioner/applicant seeking directions to recall the order dated 03rd October, 2024 and for restoration of the underlying petition.
2. Learned counsel for the applicant states that he had joined the Court proceedings through video conferencing on 03rd October, 2024, however, owing to the internet connection not being proper, he could neither hear the Court proceedings nor make his submissions.
3. Issue notice. Mr.Jawahar Raja, Advocate accepts notice on behalf of respondent no.1 and Mr.Vivek Kumar Tandon, Advocate accepts notice on



behalf of respondent no.2. They have no objection to the present application being allowed.

4. Accordingly, the present application is allowed and the matter is restored to its original status.

5. Application stands disposed of.

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6. With the consent of parties, the matter is taken up for hearing.

7. It is pertinent to mention that the present writ petition has been filed challenging the order dated 23rd September, 2024 passed by the respondent no.3/Returning Officer. The petitioner further seeks directions to the respondent no.3 to give an opportunity of hearing to the petitioner and pass a reasoned order on the representation submitted by the petitioner dated 23rd September, 2024.

8. Learned counsel for the petitioner states that the respondent no.2/Bank, while conducting its present election process, has allowed the candidates who are barred under the Delhi Cooperative Societies Act, 2003 and the DCS Rules, 1973 to contest the elections.

9. He states that the Returning Officer ought to have dealt with the objections dated 23rd September, 2024 raised by the petitioner to ensure that there is no illegality committed in the election process. He submits that this Court can interfere at this stage of the election process if the Returning Officer does not fulfill his duties under Rule 53 read with Schedule II (6) (ii).

10. This Court is of the view that it is settled law that the elections should be concluded as early as possible according to the time schedule and all controversial matters and all disputes arising out of the elections should be



postponed till after the elections are over, so that the elections proceedings may not be unduly retarded or protracted. (See: *N.P. Ponnuswami vs. Returning Officer, Namakkal Constituency and Others*, (1952) 1 SCC 94).

11. Consequently, the present writ petition and application are dismissed with liberty to the petitioner to challenge the order of the Returning Officer after the election process is over.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

**OCTOBER 9, 2024
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