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

+ **W.P.(C) 15075/2024 & CM APPLs.63171-63172/2024**

CHANDRA KALA RAI

.....Petitioner

Through: Mr.Rajeev Lochan Mahunta,
Advocate with Mr.Pratyush Mishra
and Mr.Sahil S. Panwar, Advocates

versus

REGISTRAR OF COOPERATIVE SOCIETIES DELHI AND ORS.

.....Respondents

Through: Ms.Mehak Nakra, ASC with
Ms.Bhavya Nakra, Mr.Solonel,
Ms.Gunjan Suyal, Ms.Anjali Pandey
and Mr.Mayank, Advocates for R-1.

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Date of Decision: 25th October, 2024

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, C.J : (ORAL)

1. Present writ petition has been filed seeking a direction to respondent no. 1/Registrar of Cooperative Societies to set aside the Election Results dated 29th September, 2024 declared by the Respondent No. 2/Returning



Officer on the ground that the same are violative of Section 35 of the DCS Act, 2003 read with Rule 53 of the DCS Rules, 2007 read with Schedule II [4] and [6] of the Rules, 2007. The petitioner also seeks a declaration that petitioner is the successful candidate/ candidate/winner for the post of President of the new Managing Committee of respondent no. 3 society.

2. Learned counsel for the petitioner states that the petitioner was the president of the outgoing Managing Committee of respondent no. 3 society. He states that in view of the wrongs committed by the previous Managing Committee, the outgoing Managing Committee issued Show Cause Notices to the erring members and declared them as *defaulter/debarred members* upon non-payment of dues/penalty pending towards the society.

3. He states that the respondent no. 2/ Returning Officer permitted the defaulter and barred members to contest the elections and act as Proposer and Secunder of other members, who have been elected as members of the new Managing Committee on 29th September, 2024. He states that upon declaration of the result, notice dated 30th September, 2024 was issued to the Returning Officer. He states that in response, the Returning Officer stated that the petitioner missed the opportunity to raise the objection on scrutiny day. He however states that Returning Officer was obligated to scrutinize the nominations forms to verify the eligibility/qualifications despite being in possession of all the relevant material to make an informed decision. He further states that two days prior to the elections and on the polling day, objections were raised before the Returning Officer.

4. He states that the petitioner has issued a letter dated 30th September, 2024 to the Registrar of Cooperative Societies seeking his intervention but no action has been taken so far.



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5. Having heard learned counsel for the parties, this Court is of the view that the petitioner has not availed the alternative statutory remedy of filing a petition under Section 70 of the DCS Act. Consequently, the present writ petition is dismissed with liberty to the petitioner to file the alternative statutory remedy in accordance with law. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 25, 2024
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Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 20/10/2024
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