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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17583/2024**
BHIROCHI COOPERATIVE HOUSE BUILDING SOCIETY LTD.

.....Petitioner

Through: Mr.Rajiv K Garg, Mr.M.Qayam Ud
Din & Mr.Shiven Banga, Adv.

versus

REGISTRAR OF COOPERATIVE SOCIETIES & ANR.

.....Respondents

Through: Ms.Avni Singh, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **20.12.2024**

CM APPL. 74838/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 17583/2024 & CM APPL. 74839/2024 (interim directions)

3. By way of the present petition under Article 226 of the Constitution of India, the petitioner, a co-operative society, seeks the following reliefs:-

“i) issue a writ, order or direction in the nature of mandamus directing the respondents to appoint Returning Officer to conduct the election of the Managing Committee of the Petitioner-society before the expiry of the tenure of the present Managing Committee of petitioner society i.e. before 01.01.2025 in accordance with Schedule-II of the DCS Rules, 2007 read with Rule 53 of the DCS Rules, 2007;



OR IN THE ALTERNATIVE

to appoint any retired judge of this hon'ble court or retired district judge as Returning Officer to conduct the election of the Managing Committee of the Petitioner-society before the expiry of the tenure of the present Managing Committee of petitioner society i.e. before 01.01.2025;

ii) Award the costs of these proceedings in favour of the petitioner society;

iii) Issue any other writ, order or direction as are deemed fit and proper in the facts and circumstances of the case;”

4. Learned counsel for the petitioner submits that the petitioner has been compelled to approach this Court as despite repeated requests made by respondent no.1, no Returning Officer for holding election of the managing committee of the petitioner society has been appointed even though, the term of the present Managing Committee is expiring on 01.01.2025. While praying that the respondent be directed to forthwith appoint a Returning Officer, he assures the Court that any further document, which the respondents may require, will be immediately provided to them by the present Managing Committee within a period of one week.
5. Issue notice. Learned counsel for the respondents accepts notice and submits on instructions that the respondents will have no objection to this course of action. She submits that the petitioner will be communicated within two days the list of any further documents as may be required by the respondents, upon receipt whereof, a Returning Officer will be expeditiously appointed before 01.01.2025 so that elections can be held at the earliest.



6. In the light of the aforesaid fair stand taken by the respondents, we dispose of the writ petition by directing the respondents to forward to the learned counsel for the petitioner, the list of further documents as may be required from the petitioner within a period of three days, which documents will be provided by the petitioner within three days from the receipt of the communication from the respondent whereafter, the respondents will, as assured, immediately appoint a Returning Officer for holding the elections.
7. Further, taking into account the peculiar facts of the present case, the term of the present Managing Committee will stand extended till the date a fresh Managing Committee is elected as per the elections to be conducted by the Returning Officer to be appointed by the respondents in terms of this order. We expect both the respondents and the Returning Officer, to be appointed by them, to take expeditious steps for conducting the elections so that the new Managing Committee is in place on or before 28.02.2025.
8. The writ petition alongwith the pending application stands disposed of in the aforesaid terms. We, however, clarify that the present order is being passed in the peculiar facts and circumstances of the present case and therefore, the same will not be treated as a precedent.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 20, 2024

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