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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2353/2025**
PRADEEP KUMAR DHUPARPetitioner

Through: Mr. R. P. Shukla, Advocate.

versus

REGISTRAR COOPERATIVE SOCIETY
AND ANRRespondents
Through: Mr. Manashwy Jha, Advocate for R-1.
Mr. V Tandon, Mr. Hussain, Ms. Kanika Rathore, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
25.02.2025

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1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no. 1/Registrar of Co-operative Group Housing Society (hereafter *RCS*) to appoint a Returning Officer to conduct free and fair election.

2. The petitioner also prays that directions be issued to *RCS* and respondents no.2 not to conduct elections till an independent Returning Officer is appointed by the Registrar who can conduct the election after conducting a General Body Meeting and audit of Dakshini Delhi Co-operative Group Housing Society Limited, Pitampura, Delhi (hereafter *the Society*).



3. The petitioner states that he is a senior citizen and *bona fide* member of the Society. The Returning Officer issued an agenda notice calling a general body meeting of the society to be held on 27.02.2025 at 11:00 a.m. at the premises of the Society for conducting the elections for the post of President, Vice President, and members of the Managing Committee of the Society. The said notice also sets out the election program, which indicates that last date of filing nomination form was fixed on 19.02.2025 and 27.02.2025 was fixed as the date for polling, if necessary.

4. On becoming aware of the proceedings, the petitioner sent a letter dated 14.02.2025 to the RCS, *inter alia*, complaining as under:

“(a) that the general body meeting of the society has not been convened for the last three years; (b) the audit of the society has not been conducted since 2003-04; (c) that the general body meeting had not convened to obtain the assent of the members for the purposes of conducting elections; (d) that there are vested interest to intend the hijack the society and have appointed the Returning Officer without holding any meeting or conducting the audit of the society.”

5. The said letter was preceded by a complaint from certain members. The petitioner has annexed a letter dated 05.02.2025 sent by certain members (fifteen in number) to the RCS alleging that one Sh. Lal Singh, who was earlier appointed as the Administrator cum Returning Officer by the RCS, to conduct elections of the Society had done so on 27.02.2022. They alleged that the said Administrator cum Returning Officer was not



impartial, fair and neutral. He had openly favoured a particular group of members in the Society and the same had vitiated the sanctity of the elections conducted by him.

6. The said members had also expressed their apprehension that the present Managing Committee of the Society would manipulate to get the same person (Sh. Lal Singh) or some other person known to them as a Returning Officer. He had, accordingly, requested the RCS to appoint an independent and impartial person of high integrity as the Returning Officer for conducting fresh elections for the office bearers of the Managing Committee of the Society. Additionally, the said members complaint that the current Managing Committee had failed to get a statutory audit conducted in time and thus, had suffered the disqualification under the law.

7. It is contended on behalf of the petitioner that in the given circumstances, the direction be issued for appointment of an independent Returning Officer for conducting the elections of the Society.

8. The learned counsel appearing for the RCS submits that at this stage since the election process is underway, it would not be apposite to interdict the same. He states, on instructions, that the RCS shall appoint an observer to ensure that the election is conducted fairly.

9. We find merit in the said contention, and accordingly, direct the RCS to appoint an observer to observe the election.

10. We also note that the petitioner as well as certain other members made a compliant to the RCS regarding non-conduct of audit and non-



holding of AGM. We direct that the RCS shall consider the said complaint in accordance with law.

11. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 25, 2025

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Click here to check corrigendum, if any