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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3951/2025 & CM APPL. 18411/2025**

SH. JYOTI PRASAD & ORS.

.....Petitioners

Through: Mr. Dhurjati Verma, Mr. Arun Kumar
Jha & Ms. Kanika Malhotra, Advs.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES & ORS.

.....Respondents

Through: Mr. Vivek K. Tandon, Mr.
Shyam Sunder, Ms. Prerna Tandon &
Mr. Harshit Gahlot, Advocates for R-
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CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

28.03.2025

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners- Mr. Jyoti Prasad, Mr. Devinder Kumar Mahajan, Mr. J.K Sharma, Ms. Lata Gupta, Mr. Ramesh Kumar Khurana, Mr. Ambuj Kumar Singh, Ms. Santosh Nimesh and Mr. Rakesh Yadav, under Article 226 of the Constitution of India *inter alia* seeking setting aside of various orders passed by the concerned Returning Officer in respect of elections for the Managing Committee of the HIM HIT CGHS, Ltd. Plot No. 8, Sector-22, Dwarka, New Delhi-110077 (hereinafter, 'Society').
3. The elections for the Managing Committee of the Society were announced on 27th February, 2025 by the present Managing Committee and an observer was appointed by the Registrar of Cooperative Society (hereinafter, 'RCS').



4. The grievance of the Petitioners is that they were earlier part of the Managing Committee of the Society. Thereafter, they were disqualified on 10th April 2022 from contesting elections for a period of three years. The said disqualification would have come to end on 10th April 2025. However, the elections have been called prior to the said date so as to disqualify the Petitioners from contesting the said elections.

5. In the present case, the elections are scheduled on 30th March, 2025.

6. Considering that the election is just two days away, the Court queried Id. Counsel appearing on behalf of the Petitioner as why they did not approach the Court earlier.

7. It is submitted on behalf of the Petitioners that the election was declared only on 7th March, 2025 by the concerned Returning Officer.

8. However, from the record it is clear that the election notice has been issued on 27th February, 2025 by Mr. R.K. Kapoor, Returning Officer.

9. Under such circumstances due to the belated nature of challenge, the Court is not inclined to entertain the petition seeking postponement of the election.

10. Once the election is announced, the same ought to proceed smoothly in the overall interest of the Society especially when the Petitioners did not challenge the debarment/ disqualification which was issued way back on 10th April, 2022.

11. Some apprehensions are expressed about fair and smooth conduct of elections. Under these circumstances, this Court directs that in addition to the Returning Officer *i.e.* Mr. R.K. Kapoor, an Independent Observer deserves to be appointed to oversee the Managing Committee elections of the Society scheduled on 30th March 2025.



12. Accordingly, Mr. Vinay Kumar Khanna, (Retd.) Principal District and Sessions Judge (Mobile No.- 9910384719) is appointed as the Observer of the said election which is to be conducted on 30th March, 2025.

13. There are certain allegations made by the Petitioners that certain persons who have filed their nomination forms to contest the election, have been disqualified by the Returning Officer.

14. It is directed that all nominations shall be scrutinized by Mr. Vinay Kumar Khanna, (Retd.) Principal District and Sessions Judge today itself at 5:00 PM and the final list of candidates contesting the election shall be announced by tomorrow morning so that the polls can then be conducted on 30th March, 2025.

15. This Court has not considered the merits of the allegations. However, it is directed that the RCS, the Returning Officer - Mr. R.K. Kapoor, the present Managing Committee and the various candidates who have submitted their nomination forms shall cooperate with the Observer.

16. The petition is disposed of. Pending applications, if any, are also disposed of.

17. Copy of the order be given Dasti under the signature of the Court Master.

18. The fee of the concerned Observer is fixed at Rs. 2,00,000/- to be paid by the Society.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 28, 2025/da/ck