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

+ **W.P.(C) 6553/2025 & CM APPL. 29748/2025**

RAJAN GUPTAPetitioner

Through: Mr. Abhishek Garg & Mr. Tanuj
Gulati, Advs. along with the Petitioner
in person.

versus

THE REGISTRAR OF CO-OPERATIVE SOCIETY & ANR.

.....Respondents

Through: Ms. Urvi Mohan, Advocate for R-1.
Mr. Sameer Vashisht, SC, GNCTD
Mr. Sandeep Kumar, Adv. for R-2.
Mr. Sanjay Lao, Standing Counsel
with Ms. Priyam Agrawal with Raja
Banthia, DCP (North-West) for R-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **16.05.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Sh. Rajan Gupta under Article 226 and 227 of the Constitution of India, *inter alia*, assailing the order dated 10th May 2025 passed by Respondent No. 2- Sh. Arun Lal, Returning Officer. *Vide* the said impugned order, the nomination of the Petitioner for contesting the elections to the Managing Committee of the Delhi Swastik Cooperative Urban Thrift and Credit Society Limited (hereinafter, 'Society') has been rejected.
3. The case of the Petitioner is that he has been disqualified from contesting elections for the post of the President in the Society. The elections



in the Society are scheduled on 18th May, 2025. The ground on which the Petitioner has been disqualified is that he has membership in another society namely, Mamurpur Co-Operative (Urban) T&C Society Limited (hereinafter 'Mamurpur Society').

4. Today, the Petitioner has appeared in person. His statement has been recorded, which reads as under:-

Statement of Mr. Rajan Gupta, Aged 67 years, S/o Late Mr. D. R. Gupta, R/o- T-206, Shivaji Nagar, Narela, Delhi-110040

On SA

I am a member of the Delhi Swastik Co-Operative Urban Thrift and Credit Society Limited, since 1980. I reside at T-206, Shivaji Nagar, Narela, Delhi-110040, as per the memo of parties.

I used to work in Delhi Transco Limited and I have since retired on 31st December, 2017.

I know Mr. Bal Kishan Gupta.

Presently, I am on the Managing Committee of the Delhi Swastik Co-Operative Urban Thrift and Credit Society Limited and Mr. Bal Kishan Gupta is the President of the Society.

I am aware of the Mamurpur Co-Operative (Urban) T&C Society Limited. I have never applied for membership in the said Society. I am a bachelor. Neither me nor my family members have membership in the said Society.

The allegation that I am a member of the Mamurpur Co-Operative (Urban) T&C Society Limited is false because the name 'Rajan Gupta' in the said Society does not tally with me either in age, father's name, or Aadhaar card number.

I categorically state that I do not have any membership of the



Mamurpur Co-Operative (Urban) T&C Society Limited.

5. Moreover, in the present petition it has been categorically stated as under:-

“It is most respectfully submitted that Petitioner has never applied nor has been member of the said Mamurpur Society at any given point of time and that Sh. Bal Kishan Gupta has presented fabricated & fake documents qua Petitioner in support of his objection, before Respondent No.2. That it will not be out of context to mention here that Respondent No.2 is a close acquaintance of Sh. Bal Kishan Gupta and is thus acting dishonestly and illegally to provide illegal benefit to the Sh. Bal Kishan Gupta by overlooking the provision of the Section 35(7) of The Delhi Co-Operative Societies Act, 2003 (hereinafter referred to as DCS Act) and Rule 54 of the Delhi Co-Operative Societies Rules, 2007 (hereinafter referred to as DCS Rules).”

6. Heard. On the basis of the statement recorded and the pleadings on record, Mr. Sandeep Kumar, Id. Counsel appearing for Respondent No. 2- Mr. Arun Lal, Returning Officer, who is conducting the election on Sunday i.e. 18th May 2025, submits that in view of the statement made in the Court today, the Returning Officer has no objection if the Petitioner contests the elections to be held on 18th May 2025.

7. On behalf of the Returning Officer, the Court is assured that the ballot paper for the post of the President will be duly changed and the election shall be conducted in a smooth manner.

8. However, today in a connected writ petition being ***W.P.(C) 6551/2025*** titled ***‘The Delhi Swatik Co. Operative Urban Thrift And Credit Society Ltd V. Govt of NCT of Delhi & Ors.’***, this Court has directed the said elections



be postponed to 25th May 2025 in view of the reluctance of the school, which is the venue for the said elections, to permit the same without police force being provided.

9. Considering the fact that the election is now scheduled on 25th May, 2025, the following directions are issued:

- i. The Registrar of Co-operative Societies shall appoint an observer for the said election.
- ii. The Petitioner Mr. Rajan Gupta is permitted to contest the elections.

10. At this stage, Ms. Mohan, Id. Counsel for the Registrar of Co-operative Societies submit that they have appointed Mr. Surinder Narang, as the observer for the said elections.

11. After the elections or thereafter, it is found that the Petitioner is in any manner disqualified, then the Society or the Returning Officer is free to approach the Court by way of an application.

12. The petition and the pending application stand disposed of.

13. *Dasti*

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 16, 2025

v/ck