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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8059/2025

SHRI MOHAN ADVANI

.....Petitioner

Through: Mr. Chandrika Pd. Mishra, Mr.
Anurag Singh and Mr. Sanjeev Gupta,
Advocates.

versus

THE REGISTRAR, CO-OPERATIVE SOCIETIES & ANR.

.....Respondents

Through: Mr. Sameer Vashisht, Standing
Counsel (Civil) GNCTD with Ms.
Harshita Nathrani, Advocate for R-2
and Mr. M.K. Gupta, Returning
Officer.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

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30.05.2025

1. This hearing has been done through hybrid mode.

CM APPL. 35286/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 8059/2025 & CM APPL. 35285/2025 (for interim relief)

3. The present petition has been filed by the Petitioner – Shri Mohan Advani under Articles 226 and 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 *inter alia* seeking quashing of the impugned order dated 27th May, 2025 passed by the Respondent No.2- Returning Officer, Nav Nirman Co-operative Group Housing Society Ltd. (*hereinafter, the ‘society’*).



4. The impugned order dated 27th May, 2025 passed by the society reads as under :

“This is to inform you that I visited the society on 24.5.2025 for making arrangements for the election of the MC of the society to be held on 25.05.2025 (Sunday) in the premises of the society. Necessary arrangements for SGBM/MC election were made in my presence on 24.5.2025 for the Managing Committee election of the Nav Nirman CGHS Ltd. to be held on 25.5.2025. All of sudden In the Saturday night (24.5.2025), I got ill and suffered from severe dehydration and food infection. I got admitted for treatment in the nursing home for treatment as my health was deteriorating and was feeling too much weakness. Therefore, the MC election of the society could not be arranged on 25.5.2025 and SGBM/MC election of the society adjourned/postponed.

Now the Special General Body Meeting for M C election of the society will be held on 01.06.2025 (Sunday) from 10.30 AM to 4.00 PM. in the premises of the Nav Nirman CGHS Ltd. as per the agenda. notice. dated 17.04.2025 already circulated to all the members of the society through speed post: All the members of the society are requested to please participate in the SGBM/MC election of the Nav Nirman CGHS Ltd. on the aforesaid date, time and venue.”

5. This society has a total membership of 264 members. The society has itself not been made a party in this petition. The Returning Officer was appointed by the Registrar of Co-operative Societies (‘RCS’) and he had originally issued a notice on 17th April, 2025, setting out the schedule of elections for the Managing Committee of the Society as under:



ELECTION PROGRAMME

Sl. No.	Programme	Date	Time	Venue
1.	Issue of Nomination Forms (free of cost)	09.05.2025	10.00 A.M. to 12.30 P.M.	Premises of Nav Nirman Cooperative Group Housing Society Ltd., Plot No.7, I.P. Extension, Patpar Ganj, Delhi-110092.
2.	Filing of Nominations	10.05.2025	10.00 AM to 12.30 P.M.	-do-
3.	Scrutiny of Nominations	13.05.2025	12.30 P.M.	- do -
4.	Display of List of Valid Nominations	13.05.2025	2.00 P.M.	-do-
5.	Withdrawal of Nominations	15.05.2025	10.00 AM. to 12.30 P.M.	- do -
6.	Display of final list of contesting candidates	15.05.2025	1.30 P.M.	-do-
7.	Polling (if necessary)	25.05.2025 (Sunday)	10.30 A.M. to 4.00 P.M.	-do-

6. A day before the date of polling i.e., 25th May, 2025, the Returning Officer fell ill and was hospitalised. Thus, the election was postponed to 1st June, 2025, *vide* notice dated 27th May, 2025, which is impugned herein.

7. The grievance of the Petitioner is that adequate notice has not been given to the Petitioner for the conduct of elections of the society.

8. Mr. Mishra, Id. Counsel appearing for the Petitioner has strenuously argued that at least one week's time ought to have been given prior to the date of elections.

9. The circular for the conduct of elections was issued way back on 14th April, 2025. The various stages of the election namely - filing, scrutiny and withdrawal of nominations, have already taken place. The final list of



contestants is also stated to have been published. The election was postponed only due to the ill health of the Respondent No.2. Thus, there is nothing illegal in holding the election on 01st June, 2025.

10. The RCS has also appointed an Observer, Shri Sameer Shandilya to oversee the election proceedings.

11. The Petitioner is himself contesting for the Member Executive of the Management Committee in the said elections.

12. Under these circumstances, the Court is convinced that there is no need to interdict or restrain the elections from being conducted. The Respondent No. 2/Returning Officer has assured the Court that the elections on 01st June, 2025 shall be conducted peacefully and in a smooth manner. The Observer shall make sure that as many voters who can vote, shall take part in a peaceful manner in the elections. The results of the elections shall be announced on the same date.

13. With these observations, the present petition is disposed of. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 30, 2025/nd/rks