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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12931/2025& CM APPL. 52843-44/2025**
MADAN SINGH GUSAINPetitioner

Through: Mr. A.S. Sirohi, Adv.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Jivesh Kumar Tiwari, CGSC with
Ms. Samiksha, Adv. for UOI.
Mr. Raunak Dhillon, Ms. Isha Malik &
Mr. Jeezan Riyaz, Advs. for UOI.
Ms. Raavi Birbal, Adv. for R-3 to 7
with Mr. Vijay Singh, Head Legal.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
18.09.2025

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1. This hearing has been done through hybrid mode.
2. The petition under Article 226 of the Constitution of India seeks the following prayers:-

“A. Issue a Writ or order in nature of Mandamus, to direct Respondent No.1 to enforce its order dated 20.09.2022;
B. Issue a Writ or order in nature of Mandamus to Direct Respondent No. 2, to remit Provident Fund Interest dues of petitioner;
C. Issue a Writ or order in nature of Mandamus to direct Respondent No.1 to comply the NCLT order dated 15.03.2022.



D. Direct Respondent No. 1, to file report on the M/s Deloitte and Bakertilly Forensic Audits, recorded in meeting minutes of 25.08.2022.

E. Pass any other further order (s), as this Hon'ble Court may deem fit, under the facts and circumstances of the case.”

3. The petitioner is stated to be an erstwhile employee of respondent M/s Delhi Gymkhana Club Ltd. The petitioner, on earlier occasion had preferred a writ petition bearing No. 6825/2025, which was disposed of by learned Coordinate Bench of this Court *vide* order dated 09.07.2025 in the following terms:-

“1. At the outset, this Court notes that, in the present writ petition, the petitioner has combined various disjunctive reliefs.

2. After some hearing, learned counsel appearing for the petitioner submits that he may be granted liberty to file separate writ petitions pertaining to the reliefs claimed.

3. Learned counsel appearing for respondent nos. 3 to 6 submits that the present writ petition is not maintainable, as respondents nos. 3 to 6, are not State.

4. Likewise, learned counsel appearing for respondent no. 1, i.e., Union of India (“UOI”), submits that present writ petition is not maintainable.

5. Accordingly, the petitioner seeks to withdraw the present writ petition.

6. Therefore, without going into the merits of the case, the present writ petition, along with the pending applications, is allowed to be dismissed as withdrawn, with the aforesaid liberty.

7. Needless to state that the rights and contentions of all the parties are left open to be raised in appropriate proceedings.”

4. The present petition has now been filed with the aforesaid prayers.

5. This Court has heard the learned counsel for the parties.

6. So far as prayer ‘A’ of the petitioner is concerned, the perusal of the order dated 20.09.2022 would reflect that the same was passed while



declaring the appointment of the Secretary of the club as *void ab initio*. Learned counsel appearing on behalf of respondent no.1 has drawn attention of this Court, to government notings annexed with the present petition and one such dated 14.10.2022, reads as under:-

“14/10/2022 04:37 PM

Note# 35

“1. The matter related to EOW is with regard to information to be provided by DGC, which may be done by DGC.

2. With regard to the complaints of Col. Khanna, I think DGC has given a detailed reply which may be forwarded to Col.Khanna. It may be examined if there is any new issue in the present complaints relating to Companies Act, the comments of DGC may be sought.

3. The appointment of new Secretary has been ratified by the GC, as per information provided to MCA. The same may be informed to Col.Khanna and the issue may be closed.

4. The issue of flying drone on eve of Independence day is not a company law matter and as per the complaint itself the police is seized of the matter, therefore no action is proposed.

5. The complaint of Ms. Niji Sapra may be forwarded to the club for their comments. She was a member of the Board who was the whistleblower and should be supported in redressal of her grievance.”

7. It is pointed out that the aforesaid order dated 20.09.2022 has since been superseded and therefore, the aforesaid prayer is infructuous.

8. So far as prayer ‘B’ is concerned, the direction has been sought for respondent no.2 to remit the Provident Fund interest dues of petitioner. Learned counsel for the petitioner has drawn the attention of this Court to an order dated 13.11.2023 passed by Regional Provident Fund Commissioner-II, Regional Office, Delhi (Central) whereby the said authority while exercising



his power conferred under Section 14 B of the Act had levied damages upon M/s Delhi Gymkhana Club Ltd for delayed payment of past accumulation as mentioned in the aforesaid order. Although it is pointed out that the aforesaid order has been challenged by way of an appeal, which is pending before the Appellate Tribunal, however, needless to state that if the petitioner has any grievance with respect to his provident fund, then he should exercise the statutory remedy under the concerned Act.

9. Prayer 'C' is with respect to directions to respondent no.1 to comply with an order passed by the NCLT dated 15.03.2022. A perusal of the order dated 15.03.2022 reflects that the petitioner was not a party to the said order and therefore, a stranger to the proceedings so far as the said order is concerned. In view of the above, this prayer is not maintainable.

10. By way of prayer 'D', the petitioner has sought direction to respondent no.2 to file a report of M/s Deloitte and Baker Tilly Forensic Audits as recorded in meeting minutes of 25.08.2022. The said minutes pertain to the board of directors of Gymkhana Club. A perusal of the minutes would reflect that the document was considered in the aforesaid minutes and on the basis of said reports, certain suggestions were made by the directors highlighting certain loans which had to be paid to certain organisations and on the basis of said report, certain decisions were taken. Be that as it may, the aforesaid document is part of the record M/s Delhi Gymkhana Club Ltd, which is a private body and the aforesaid direction cannot be passed qua them in this jurisdiction.

11. As noted hereinabove, if the petitioner has any grievance with respect to his provident fund, he is always at liberty to avail the statutory provisions under the said act.



12. In view of the above, the present petition is dismissed and disposed of.
13. Pending application, if any, also stands disposed of.

AMIT SHARMA, J

SEPTEMBER 18, 2025/nk/yg