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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13632/2025 & CM APPL. 55858/2025**
RAJENDRA KHAREPetitioner
Through: Petitioner in person.

versus

THE FINANCIAL COMMISSIONER & ORS.Respondents
Through: Mr. Sameer Vashisht, Standing
Counsel (Civil) GNCTD.
Mr. Akshay Bhardwaj for R 2 & R-3.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
04.09.2025

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CM APPL. 55859/2025 & CM APPL. 55860/2025 (Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. Accordingly, applications stand disposed of.

W.P.(C) 13632/2025

1. Challenge has been made to an order dated 29th August 2025, whereby the Financial Commissioner vacated the stay earlier granted on elections *vide* order dated 12th August 2025.
2. Petitioner in person, contends that unless the statutory audit, as mandated under the provisions of the Delhi Co-operative Societies Act, 2003 ('**DCS Act**') is completed, elections ought not to have been declared or held. It is further claimed that the reason given in the impugned order that election process has commenced by itself is erroneous, as it is submitted that



process of election commences upon submission of nomination forms. Accordingly, it is urged that the impugned order runs contrary to the mandate under Sections 60 and 35(7)(d) of the DCS Act, 2003.

3. *Mr. Sameer Vashisht*, learned Standing Counsel for respondent, submits that there is no statutory mandate which provides that without completing the statutory audit, elections cannot be held. Rightly so, the authorities proceeded to conduct election as the statutory period had come to an end, for which Administrator was appointed. He further submitted that the audit can be conducted and completed by the newly elected Managing Committee. It was also submitted that the Registrar of Co-operative Societies (**'RCS'**) shall ensure completion of the audit within statutory period, by issuing appropriate instructions.

4. Having considered the aforesaid submissions, we are of the view that there is no statutory embargo on respondent/authorities to conduct or order elections, once the period for which the earlier Managing Committee was elected has expired, resulting in appointment of an Administrator.

5. The election programme is already declared.

6. The said fact was within the knowledge of respondent/authority while vacating the interim order of stay. That being so, we see no reason to cause interference with the impugned order.

7. However, in view of the submissions canvassed by petitioner-in-person, we accept the statement made by *Mr. Sameer Vashisht*, Standing Counsel that it will be ensured that RCS will issue instructions to the newly elected Managing Committee to complete the audit within a reasonable period.

8. In that view of the matter, we deem it appropriate to dispose of the



petition. Pending applications, if any, are rendered infructuous.

9. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

SEPTEMBER 4, 2025/ak/zb