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

+ W.P.(C) 16900/2025 & CM APPL. 69526/2025 (stay) & CM APPL.
69527/2025

DR R K PAL & ANR.

.....Petitioners

Through: Mr. Sandeep Sharma, Sr. Adv. with
Mr. Vatsal Kumar, Ms. Kavya, Mr.
Amit Choudhary & Ms. Anumeha
Singhai, Advs.

versus

REGISTRAR (H /SEC- I) CO- OPERATIVE SOCIETIES , GNCT
DELHI & ORS.

.....Respondents

Through: Mr. M. Jha, Panel Counsel
GNCTD/R-1 with Mr. Rajeev
Chhabra, Adv.
Mr. R S Krishnan, Dy. Secretary,
Delhi Govt./ R-2
Mr. Ram Kumar Savant, Section
Officer (Home Deptt.) /R-3

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

07.11.2025

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1. Heard.
2. The challenge in the petition is to the order dated 18th October 2025, passed by the respondent No. 2/Returning Officer. *Vide* impugned order, the Returning Officer ordered disqualification of the outgoing Managing Committee ('MC'), however, were permitted to stand as a proposer and seconder in the election.



3. We are informed that the elections are due on 9th November 2025.
4. In the aforesaid background, *Mr. Sandeep Sharma*, Senior Counsel for the petitioners, has made threefold submissions - *firstly*, the group of the members who belong to the other faction has created commotion and disturbed proceedings on the date of passing of the impugned order. To substantiate the said contention, *Mr. Sandeep Sharma*, has relied on the communication issued by the Returning Officer, whereby he has lodged a complaint with SHO, *PS Farsh Bazar* on 18th October 2025 itself and the resignation tendered by the Returning Officer to the Assistant Registrar, Cooperative Societies.
5. Further, *Mr. Sandeep Sharma* has invited our attention to the order dated 24th October 2025, whereby respondent no.3 is appointed as the Administrator. As such, according to *Mr. Sharma*, the proceedings, whereby the petitioners have been disqualified, are forced by the faction belonging to the other side.
6. He further points out that existence of commotion and disturbance during the passing of the impugned order can be inferred from the aforesaid documents, viz. the resignation letter and complaint to the police station and as such, before passing of the impugned order, petitioners were never put to notice, nor were they heard and as such, same is not sustainable in law.
7. He further claims that a complaint to that effect has already been addressed by petitioners to the Registrar of Cooperative Societies (**'RCS'**) on 23rd October 2025.
8. As against above, counsel appearing for RCS would urge that though the issue about commotion is not in dispute, the fact remains that tenure of existing committee since expired on 23rd September 2025, respondent no.3



came to be appointed as an Administrator in accordance with law.

9. He further claims that resignation tendered by respondent no.2 was never processed as same was with the Assistant Registrar and the respondent no.2, thereafter assured and processed election of Society. According to him, after passing of the impugned order on 18th October 2025, respondent No. 2/Returning Officer has received a call from the officer of the concerned police station, and he is willing to conduct the elections in tune with the statutory provisions.

10. Both the Returning Officer and the Administrator are physically present in the Court and are identified by the Assistant Registrar, Cooperative Societies.

11. According to both these officers, elections can be conducted smoothly, which are scheduled on 9th November 2025, and in such an eventuality, no further interference is called for.

12. We have considered the rival submissions.

13. Though *Mr. Sharma*, Senior Counsel, has sought to rely on some video, whereby he has sought to justify that respondent no.2 was forced to take decision of passing the impugned order, the same is not part of record of this petition, and as such, this Court cannot go into the same.

14. However, we are equally required to be sensitive to the fact that the issue of commotion and disturbance while the Returning Officer was processing the nomination forms submitted by the contesting candidates can be borne out from the record, particularly from the order appointing respondent no. 3 as Administrator.

15. However, such issue, at this stage, cannot be gone into as election program has travelled to an advanced stage. The remedy, if any, available to



petitioners under the provisions of Delhi Cooperative Societies Act, 2003, in such an eventuality, can be taken recourse to.

16. In our opinion, Mr. Sharma is justified in claiming that, since the impugned order was passed without affording him an opportunity of hearing, and as such the bar of alternate remedy would not operate, we still refrain from interfering in view of the fact that the election program has already advanced.

17. That being so, we dismiss the petition by reserving liberty in favour of petitioners to take recourse to such remedy as is permissible and available under law.

18. The remedy, if taken recourse to, the claim be adjudicated without being influenced by dismissal of the present petition.

19. Petition accordingly stands dismissed.

20. Pending applications are rendered infructuous.

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

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 7, 2025/sm/bp