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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1836/2026

SH. VINOD KUMAR MITTAL AND ORSPetitioners

Through: Mr. Rohit Kumar Modi, Adv.

versus

REGISTRAR OF CO-OP. SOCIETIES AND ORS.....Respondents

Through: Ms. Urvi Mohan, Adv.

Ms. Meenakshi Sharma, Section
Officer & Mr. Sameer Shandilya, Sr
Assistant

Mr. D.S. Kundu, Adv. for the Society
with Mr. V.K Rastogi, Administrator,
R.O.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **09.02.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 8877/2026

2. Allowed, subject to all just exceptions. Accordingly, the application is disposed of.

W.P.(C) 1836/2026 & CM APPL. 8878/2026

3. The present petition has been filed by the Petitioners under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioners to contest the elections for the managing committee of Agroha Co-operative Group Housing Society Ltd., Plot No.1/1, Sector-13, Rohini, Delhi-110085 scheduled to be held on 15th February, 2026.



4. The elections of Agroha Co-operative Group Housing Society Ltd., Plot No.1/1, Sector-13, Rohini, Delhi-110085 (hereinafter, '*Society*') is the subject matter of this case. The Registrar Cooperative Societies (hereinafter '*RCS*') had appointed an Administrator-cum-Returning Officer (hereinafter, '*Returning Officer*') namely, Mr. V.K. Rastogi, who had fixed the schedule of the elections as under:

ELECTION PROGRAMME				
SN	Programme	Date	Time	Venue
1.	Issue of Nomination Forms (free of cost) (may also be downloaded)	29/01/2026 (Thursday)	12.00 P.M. to 02.00 P.M.	Community Hall of the Society.
2.	Filing of Nominations	31/01/2026 (Saturday)	03.00 P.M. to 05.00 P.M.	-do-
3.	Scrutiny of Nominations	03/02/2026 (Tuesday)	10:00 A.M. to till Completion	-do-
4.	Display of Valid Nominations	03/02/2026 (Tuesday)	Soon after Scrutiny	Notice Board of the Society
5.	Withdrawal of Nominations	05/02/2026 (Thursday)	02.00 P.M. to 05.00 P.M.	Community Hall of the Society
6.	Display of the final list of contesting candidates	05/02/2026 (Thursday)	5.30 P.M.	Notice Board of the Society
7.	Polling of Votes (if necessary)	15/02/2026 (Sunday)	11.00 A.M. to 02.00 P.M.	Community Hall of the Society
8.	Counting of Votes	15/02/2026 (Sunday)	Immediately after polling is over	Community Hall of the Society
9.	Declaration of Result	15/02/2026 (Sunday)	Immediately after counting is over	Community Hall of the Society

5. Several nominations were filed in terms of the above schedule including that of the Petitioners *i.e.*, Mr. Vinod Kumar Mittal, Ms. Anita Bansal and Ms. Manju Aggarwal. Further, three more candidates have been disqualified by the Returning Officer, however, they are not part of the present petition. The three Petitioners whose names have been set out above had filled the nominations for the post of Vice-President and for the post of women member of the managing committee. The details of the qualified and disqualified candidates is set out below:



LIST OF CONTESTANT AFTER SCRUTINY ON 03.02.2026 AT 10.00 A.M. IN THE PRESENCE OF
CONTESTING CANDIDATES AND ELECTION STAFF.

FOR THE POST OF PRESIDENT (ONE)

No.	Membership no.	Name of Member	REMARKS
1.	442	SHRI ARUN AGARWAL	QUALIFIED
2.	253	SHRI SURENDER AGARWAL	QUALIFIED

FOR THE POST OF VICE PRESIDENT (ONE)

No.	Membership no.	Name of Member	REMARKS
1.	314	SMT. SHARDA GOYAL	QUALIFIED
2.	414	SHRI VINOD KU MITTAL	Disqualified u/s 35 (7) (d) DCS Act 2003

FOR THE POST OF WOMEN MC MEMBERS RESERVED (TWO)

No.	Membership no.	Name of Member	REMARKS
1.	313	SMT. ANITA BANSAI	Disqualified u/s 35 (7) (d) DCS Act 2003
2.	417	SMT. ASHA RANI	QUALIFIED
3.	458	SMT. CHARU GAIG	QUALIFIED
4.	244	SMT. MANJU AGGARWAL	Disqualified u/s 35 (7) (d) DCS Act 2003
5.	314	SMT. SHARDA GOYAL	QUALIFIED

FOR THE POST OF MC MEMBERS (SEVEN)

S.No.	Membership no.	Name of Member	REMARKS
1.	433	SHRI DESH RAY SINGLA	QUALIFIED
2.	426	SHRI HEMANT KUMAR	Disqualified u/s 35 (7) (d) DCS Act 2003
3.	314	SMT. INDU GUPTA	QUALIFIED
4.	292	SMT. MAHADEVI PANT	QUALIFIED
5.	392	SHRI MANOJ BANSAI	Disqualified u/s 35 (7) (d) DCS Act 2003
6.	466	SMT. NEETU KHANDELWAL	QUALIFIED
7.	446	SHRI SAMEER GUPTA	QUALIFIED
8.	375	SHRI SANDEEP HANDA	QUALIFIED
9.	333	SMT. SANTOSH KUMARI	QUALIFIED
10.	253	SHRI SURENDER AGARWAL	QUALIFIED
11.	355	SHRI SURENDER JAIN	QUALIFIED

12.	439	SHRI RAM AVTAR GUPTA	Disqualified u/s 35 (7) (d) DCS Act 2003
13.	015	SHRI RAM AVTAR JINDAL	QUALIFIED
14.	409	SMT. RENU UPPAL	QUALIFIED
15.	438	SMT. RITU GOEL	QUALIFIED
16.	423	SMT. TELO DEVI	QUALIFIED
17.	298	SMT. USHA GUPTA	QUALIFIED
18.	478	SHRI. VUENDRA KUMAR AGARWAL	QUALIFIED

Delhi



6. The submission of Mr. Rohit Kumar Modi, Id. Counsel appearing for the Petitioners is that the ground of disqualification of the Petitioners is under Section 35(7)(d) of the Delhi Co-operative Societies Act, 2003 (hereinafter, '*DCS Act*') i.e., that the audit report for the previous year was not completed within the time prescribed.

7. Id. Counsel for the Petitioners submits that in the previous managing committee, the President and the Vice-President had not involved the Petitioners herein, who were members of the said committee in the everyday management of the affairs of the Society. In fact, Id. Counsel for the Petitioner submits that a complaint had been filed on 17th June, 2025 in respect of this issue with the RCS.

8. Id. Counsel for the Petitioner further submits that in any event, the audit report has been filed and finalized by the erstwhile managing committee though delayed by a period of two months. Moreover, it is his submission that the scrutiny of nominations took place on 3rd February, 2026 and on the very same day, the disqualification of the Petitioners from contesting the elections has been announced by the Returning Officer by putting up a list.

9. It is pointed out by the Id. Counsel for the Petitioner that in effect, the disqualification has resulted in one of the candidates being elected unopposed for the post of Vice-President and in the reserved positions for women, instead of five candidates contesting, the number has been reduced to three, out of which two have to be elected. It is further his submission that prior to disqualification, notice was not issued to either of the candidates and this would be contrary to the decision in *W.P.(C) 8300/2018* titled *Ishwar Singh and Ors. v. The Registrar of Co-operative Societies and Ors.* dated 17th January, 2019.



10. On behalf of the Society which is presently being represented by Mr. Kundu, Id. Counsel, it is submitted that the Returning Officer has given reasons for the disqualification *i.e.*, that the disqualification is under Section 35(7)(d) of the DCS Act. Moreover, it is submitted on behalf of the Society that the scrutiny took place in front of the Petitioners, therefore, they cannot have any grievance. Id. Counsel for the Society relies on the decision in ***Shri Sandeep Khandelwal and Ors. v. Registrar Cooperative Societies and Anr., 2018:DHC:5527*** which holds that discipline as per law has to be followed for preparation of audit reports as the same is quite sacrosanct.

11. Ms. Urvi Mohan, Id. Counsel for the RCS submits that the Returning Officer has been appointed by the RCS and has disqualified many of the candidates, hence, no bias which can be alleged *qua* the Returning Officer. Further, it is submitted by Id. Counsel that the elections having been announced, there should be no interference at this stage.

12. The Court has considered the matter. A perusal of the record would show that contemporaneously a complaint was filed on 17th June, 2025 to the RCS by several of the earlier members of the managing committee who had a grievance that the erstwhile President and Vice-President of the Society had completely incapacitated the others members of the managing committee and there was an allegation of irregularity. A chart of the members of the managing committee wherein the incapacitated members are mentioned in the said complaint is set out below:



Sl. No.	Name	Designation in MC	Status
1.	Shri RoshanLal Gupta	President	Existing
2.	Shri Jai Kumar	Vice-President	Existing
3.	Smt Aparna Bhardwaj	Member	Demised
4.	Dr.Bhupendra Giri	Member	Incapacitated
5.	Smt Manju Aggarwal	Secretary	Incapacitated
6.	Shri Vinod Kr Mittal	Treasurer	Incapacitated
7.	Smt Anita Bansal	Member	Incapacitated
8.	Shri Vipin Gupta	Member	Incapacitated
9.	Shri Ram Avtar Gupta	Member	Incapacitated
10.	Shri Manoj Bansal	Member	Incapacitated
11.	Shri Hemant Kumar	Member	Incapacitated

13. All the three Petitioners were part of the erstwhile managing committee who had taken a position that the managing committee was being run by President and Vice-President alone without taking the other members on board. Thus, at this stage, it is unclear whether the Petitioners can be blamed for belated finalisation of audit report.

14. Further, the disqualification of the Petitioners would also show that the same has been done under Section 35(7)(d) of the DCS Act. In ***Ishwar Singh and Ors. (Supra)***, under similar circumstances when the Returning Officer had sent a report in respect of disqualification under Section 35(7)(d) of the DCS Act and no notice was issued to the members who were being disqualified, the Id. Division Bench of this Court had clearly held that a Show Cause Notice would have to be issued to the members since they would be adversely affected. The relevant portion of the said judgment is set out below:

“20. To determine, whether, or not the members of the managing committee have incurred disqualification, it would be essential for the RCS to comply with the principles of natural justice, since



such disqualification has adverse civil consequences for the disqualified members. The present is, in itself, an example of the prejudice that the members of the Managing Committee may suffer, in case they are declared to be disqualified under Section 35(7)(d), or under any of the other clauses of Section 35(7) of the Act, without prior notice or hearing to the affected persons. The Registrar, merely on the basis of the report sent by the Returning Officer and, without notice or hearing to the affected parties/ members of the managing committee concluded that the members of the managing committee had incurred the disqualification under Section 35(7)(d) while passing the order dated 16.06.2016. However, when it was brought to his notice that the audits were got completed within the statutory period of the appointment of the auditors, he recalled the said order on 09.08.2016. This back and forth movement could not have been avoided, and the inconvenience and anxiety caused to the members of the managing committee averted by first giving a show cause notice to the members of the managing committee and seeking their explanation as to why they should not be disqualified from contesting the forthcoming elections.

21. It is an obvious and well settled position in law that a party whose rights are sought to be adversely affected, should be heard before a decision is taken by any authority. Otherwise the order passed in the proceedings would be vitiated on account of the breach of the principles of natural justice. *We fail to understand as to how the petitioners could have sought to assail the election of respondent Nos. 4 to 13 before the Tribunal, without first impleading them as party respondents. Only when they were to be impleaded as party respondents, they would have had the right to appear before the Tribunal and to contest the allegations made against them by the*



petitioners of having incurred the disqualification under Section 35(7)(d) of the Act. The impleadment of the managing committee of the said society, by itself, is wholly insufficient. The Managing Committee is not the agent of the members who constitute it. Thus, we reject all the aforesaid submissions of Mr. Mehta.”

15. In fact, even in the decision in ***Shri Sandeep Khandelwal and Ors. (Supra)***, Show Cause Notice was issued by the RCS in respect of the disqualification. Thus, it cannot be said that the decision in ***Shri Sandeep Khandelwal and Ors. (Supra)*** would be contrary to the ratio in the decision in ***Ishwar Singh and Ors. (Supra)***.

16. Further, there can be no doubt that the discipline of Section 35(7)(d) of the DCS Act has to be adhered to by the Societies. However, at this stage, the Court is only considering whether the disqualification is valid or not. In the opinion of this Court, the principles of natural justice have been violated in the present case as no Show Cause Notice has been issued to the Petitioners prior to their disqualification. The audit report of the Society is also stated to have been finalized and filed by October, 2025 and the reasons for belated finalisation are not clear. It is also not clear whether the Petitioners are responsible for belated filing as their complaint is yet to be looked into by the RCS. At this stage therefore, to make the Petitioners suffer the consequences of belated finalisation of the audit report – that too by disqualifying them from contesting the elections, would be unjust.

17. A perusal of the disqualification list would also show that the disqualification would result in lesser number of persons contesting the elections and in the case of Vice-President, the position would go uncontested. The entire purpose of elections would be defeated if persons are allowed to



be elected in an uncontested manner.

18. The Court is of the opinion that the disqualification of the Petitioners would not be correct in these facts. This Court has also noticed in another decision in ***W.P.(C) 2291/2025*** titled ***The Chetak Cooperative Group Housing Society Ltd & Anr. v. Registrar of Cooperative Societies & Ors.*** dated 11th August, 2025 that the same Mr. Rastogi, who has been appointed as the Returning Officer in the present case, ought not to be appointed as a Returning Officer for conducting elections as there are several cases where there are numerous allegations against him. The relevant portion of the said order dated 11th August, 2025 is set out below:

“2. This is an application under Section 151 of the Code of Civil Procedure filed by Mr. V. K. Rastogi on behalf of the Society as the Administrator/ Returning Officer of the Society.

3. Since the filing of this application, elections have been conducted pursuant to the directions in order dated 7th July 2025, by which an independent Returning Officer - Mr. Murari Tiwari was also appointed by this Court. The said Returning Officer has submitted his report.

4. In terms of the said report, the elections have been conducted and the results have also been declared. The report of the Returning Officer has been taken on record by the Court vide order dated 30th July, 2025.

5. In this application, the allegation is against Mr. Pawan Chopra who was earlier the President of the Society and has again been re-elected as the President in the recent elections.



6. *The submission of Mr. Kundu vide the present application is that audit of the Society's account has not been conducted as per the provisions of the Registrar of Co-operative Societies Act (hereinafter 'RCS Act') and the Rules thereunder.*

7. *Heard. The Court notes that the main petition, W.P.(C) 2291/2025, was disposed of vide order dated 10th March 2025. However, the Applicant/Administrator, through multiple applications, has been repeatedly approaching this Court seeking various reliefs, despite being fully aware that his role as Administrator ceases upon the conduct of the election.*

8. *It is further shocking to note that despite the Returning Officer having submitted the elections result and the same having been accepted by the Court, Mr. Rastogi, who is the Administrator, has, till date, not handed over the charge of the Society to the newly elected Managing Committee.*

9. *In view of these circumstances, it is once again clarified that since the elections have now been conducted, the Applicant/Administrator has no more role to play in the Society. Accordingly, this application and any other pending applications filed by Applicant/Administrator, in the opinion of this Court, are liable to be rejected.*

10. *However, bearing in mind the fact that the audit of a Society is not only an important aspect but also a statutory requirement in managing the affairs of a Society, the Petitioner-Society is granted 30 days' time to conduct audit of all the outstanding financial years for which audit has not been*



conducted. After the conduct of audit, a report shall be submitted to the Registrar of Corporative Societies (hereinafter 'RCS') as per the Act. If any shortcomings are found vide the said report, the RCS shall take remedial action as per the RCS Act and the Rules thereunder.

11. Insofar as the grievance about the records not being handed over are concerned, let the RCS depute a senior official on 13th August 2025 at 11 am, on which date, Applicant/Administrator Mr. Rastogi shall hand over the entire records as also the control of the Office to the newly elected Managing Committee.

12. If the same is not done, the RCS shall avoid appointing Mr. Rastogi as an Administrator or in any other capacity for any Society in future as this Court is of the opinion that despite his mandate coming to an end he continues to hold up the newly elected Managing Committee from discharging its functions."

19. Under these facts and circumstances, this Court is of the view that due to the violation of the principles of natural justice, the disqualification of the Petitioners from contesting the elections for the managing committee of the Society is set aside.

20. All the three Petitioners shall be allowed to contest the elections for the managing committee of the Society scheduled to be held on 15th February, 2026.

21. In these facts, the RCS shall appoint a new Returning Officer by 11th February, 2026 so that the elections for the managing committee of the Society can be conducted in a fair, transparent and peaceful manner.



22 The present petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

FEBRUARY 9, 2026

Rahul/Ck