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

Date of decision: 20th March, 2026

Uploaded on: 24th March, 2026

+ **W.P.(C) 3607/2026, CM APPL. 17473/2026 & CM APPL. 17474/2026**

P.S. BENIAN

.....Petitioner

Through: Mr. Rohit Sharma and Mr. Narender Singh Sharma, Adv.
(M:9999458717)

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Shashi Pratap Singh and Ms Shagun Sabharwal, Adv. for R-1 to 3.
(M: 7340989053)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- P.S. Benian under Article 226 of the Constitution of India, *inter alia*, seeking stay of the elections which have been announced by the Canara CGHS Ltd. (*hereinafter, 'the Society'*).
3. The brief background of the present case is that the Petitioner is a member of the Society. There were numerous complaints filed before the Registrar Co-operative Societies (*hereinafter, 'RCS'*) regarding the misappropriation and mismanagement by the current Managing Committee of the Society. Consequently, on 16th October, 2025 a special audit was conducted for the Society and several financial irregularities and mis-



management were highlighted in the Special Audit Report.

4. The last election of the Managing Committee of the Society was held on 16th April, 2023, in accordance with the statutory provisions and bye-laws of the Society.

5. The Audit Report highlighted several financial irregularities and mismanagement by the Managing Committee of the Society.

6. The case of the Petitioner is that on 27th January, 2026 Mr. Arun Lal was appointed as the Returning officer and pursuant thereto, on 9th March, 2026, the impugned Election Agenda was issued fixing the elections for 5th April, 2026. The date for filling of nomination forms etc. have also been announced by the impugned Election Agenda.

7. Ld. Counsel for the Petitioner submits that considering the findings in the Audit Report, especially in respect of the functioning of the Managing Committee, the election may not be conducted in a free and fair manner.

8. It is further submitted by ld. Counsel for the Petitioner that the present Management Committee is attempting to circumvent the findings in the Special Audit Report, which has been submitted with the RCS office. Hence, the prayer in the present petition is for quashing the impugned Election agenda dated 9th March, 2026 and for appointing an independent Returning Officer.

9. Pertinently, in respect of the Audit of this Society, this Court had entertained another writ petition being ***W.P.(C) 3401/2026*** titled '***Rajiv Parashar v. Government of NCT of Delhi & Ors.***' wherein *vide* order dated 17th March, 2026 the following directions were passed:

“3. The Petitioner, who is a member of the Canara CGHS Ltd. (hereinafter ‘Society’) has filed this writ petition raising various grievances in respect of the functioning of the Society.



4. *It is the case of the Petitioner that since 2023, there have been disputes in respect of the audit of the Society and the Petitioner has made repeated representations in this regard.*

5. *The Registrar Cooperative Societies (hereinafter, 'RCS') has also been looking into the alleged violations of the Society and has directed cooperation by the Society with the Special Auditor appointed by the RCS.*

6. *The chronology of events reveals that there are repeated orders passed by the RCS in regard to the alleged violations and repeated representations have been made by the Petitioner. Several reports have also been furnished by the Special Auditor stating that there is a deficiency in the documents and there has been non-cooperation by the Society.*

7. *The Petitioner had also filed a writ petition being **W.P.(C) 9436/2025** titled **Sh. Rajiv Parashar v. Government of NCT of Delhi & Ors.** which was disposed of vide the following order dated 11th December, 2025:*

"1. Counsel for petitioner, on instructions, states that the issues sought to be canvassed stands addressed.

2. That being so, it is claimed that the petition can be disposed of.

3. In view of aforesaid statement, the petition stands disposed of.

4. Order be uploaded on the website of this Court."

8. *However, despite the said writ petition having been disposed of and the special audit report having been issued, the grievance of the Petitioner is that the RCS has not taken any action against the Society.*

9. *Hence the present writ petition has been filed raising various grievances against the Society, as also*



challenging the special audit report which has been submitted.

10. In addition, action has been sought against the Society for statutory violations of various provisions of the DCS Act. Action is also sought against the Managing Committee of the Society, including the ex-Managing Committee members.

11. Ms. Mohan, Id. Counsel for GNCTD has appeared on advance service and has brought to the notice of the Court that on 4th February, 2026, a notice has been issued under Rule 79(8) of the DCS Rules, in terms of which, the Society has been called upon to respond as to why an independent Auditor ought not to be appointed.

12. One of the allegations in this notice is that for the period 2016-17 to 2020-21, the Auditor was not properly appointed and the audit report was signed for the same financial years by two different Chartered Accountant Firms. It was also noticed that for the next three financial years i.e., 2017-18, 2018-19 and 2019-20, one Sh. Shankar Lal, Partner of Geeta Shankar and Co. was appointed as the Auditor by the Society when his wife was a member of the Society itself. This, according to the RCS, constitutes conflict of interest.

13. With respect to the said notice dated 4th February, 2026, the RCS had fixed a date for hearing on 16th February, 2026 and the matter is now stated to be listed before the RCS on 27th March, 2026.

14. Considering the fact that the RCS is already seized of the matter and notice has already been issued to the Society, this Court is of the opinion that the only order at this stage that would be required to be passed is to permit the Petitioner to participate in the said proceedings and bring to the notice of the RCS any shortcomings or irregularities in the Society.”



10. Today, Id. Counsel for the RCS submits that *vide* communication dated 19th March, 2026 the Society has already been asked to provide para wise comments to the representation filed by Shri Rajiv Parashar, in terms of the order dated 17th March, 2026 in ***W.P.(C) 3401/2026*** and the RCS has also directed that the elections scheduled on 5th April, 2026 shall be kept in abeyance. The relevant portion of the communication dated 19th March, 2026 is extracted below:

“Sub: Complaints dated 13.03.2026 submitted by Sh. Rajiv Parashar, member of Canara CGHS Ltd., reg.

Reference is invited to the complaints dated 13.03.2026 (copy enclosed) received from Sh. Rajiv Parashar member of Canara CGHS Ltd., which is self explanatory.

Therefore, you are requested to provide the para wise comments on the aforesaid representations within 07 days of receipt of this letter.

Further, the said election scheduled to be held on 05.04.2026 shall be kept in abeyance till further order issued by this Office.

This issues with the prior approval of the RCS”

11. Considering the action that has already been taken by the RCS, the relief sought for in the present petition stands satisfied.

12. Upon the Society furnishing its reply, let the RCS office take steps in accordance with law, after hearing the Society/Management Committee and the Petitioners/Complainants.

13. If the elections of the Managing Committee are to be announced, the same shall be done by the RCS office under its supervision, by appointing an



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independent Returning Officer at the appropriate time.

14. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MARCH 20, 2026/dk/sm