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

Date of decision: 30th March, 2026.

Uploaded on: 1st April, 2026.

+ **W.P.(C) 3956/2026 & CM APPL. 19306/2026**

KRISHI PRAGATI COOPERATIVE LTD.Petitioner

Through: Mr. Neeraj Malhotra, Sr. Adv., Mr. Bharadwaj S. Iyengar, Mr. Ashwin Kumar Nair, Mr. Porash Kumar and Mr. Nimish Kumar, Advocates (M: 9871900105).

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Ripudaman Bhardwaj CGSC with Ms. Aparna, Advocate for UOI (M: 8178303621).
Mr. Rohan Tripathi, GP.
Mr. Manu Padalia Adv. with Mr. Bhanu Sanoriya Adv. for Respondent no. 4.

**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 under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the impugned order dated 19th January, 2026 bearing *File No.R-11017/39/2020-L&M* issued by the Office of Central Registrar of Cooperative Societies, Ministry of Cooperation.



3. *Vide* the impugned order, an Administrator has been appointed to manage the affairs of Respondent No.4-National Cooperative Union of India (*hereinafter*, 'NCUI'). The Petitioner is one of the members of the NCUI.

4. On the previous date *i.e.*, 27th March, 2026 notice was issued in the present matter. Mr Ripudaman Bharwaj, Id Standing Counsel accepted notice on behalf of Respondent No.1 and 2 and notice was also issued to the remaining Respondents. Mr. Ripudaman Bhardwaj, Id. Standing Counsel for Registrar Co-operative Societies (*hereinafter*, 'RCS') was to seek instructions in the matter.

5. Today, Mr. Ripudaman Bhardwaj, Id. CGSC for the RCS has reverted and submits that the Petitioner is only a member of NCUI *qua* which an Administrator has been appointed *vide* the impugned order, as the tenure of the existing Governing Council of NCUI came to an end in November, 2025. The Administrator has been appointed for the purpose of conducting elections.

6. Mr. Manu Padalia, Id. Counsel has entered appearance on behalf of NCUI and submits that NCUI does not challenge the appointment of the Administrator.

7. The short issues that arise in the present petition are as follows:

- (i) *Firstly*, in respect of the conduct of elections of the Governing Council of NCUI;
- (ii) *Secondly*, whether Respondents No. 5-National Cooperative Export Limited, Respondent No.6-National Cooperative Organics Limited and Respondent No.7- Bharatiya Beej Sahakari Samiti Ltd., who have been enrolled as members after 19th January, 2026, can be permitted to participate in the elections on their own.



8. Insofar as the conduct of elections is concerned, Section 123(1) of the Multi-State Co-operative Societies Act, 2002 permits the Central Government to supersede the Board/Governing Council, if the election authority has failed to conduct elections of the multi-state co-operative society. Accordingly, the impugned order dated 19th January, 2026 has been passed on the ground that the term of the members of the Board/Governing Council and the office bearers being five years, and no elections having been conducted, there is a situation of stalemate in the constitution of Governing Council for NCUI. In order to resolve the issue and for quick elections, an Administrator has been appointed by the Government, for a '*specified multi-state cooperative society*'. In effect, the NCUI has been declared as a '*specified multi-state cooperative society*'.

9. According to Mr. Neeraj Malhotra, Id. Sr. Counsel for the Petitioner NCUI is not a '*specified multi-state cooperative society*'.

10. Be that as it may, in view of the fact that the elections have to be conducted in a free and fair manner, Mr. Siddharth Jain, Joint Secretary, Government of India has been appointed as the Administrator. The powers of the Administrator would be to conduct the elections in accordance with the Multi-State Co-operative Societies Act, 2002 and Multi-State Co-operative Societies Rules, 2002.

11. Accordingly, it is directed that the Administrator shall conduct the elections of the NCUI within four months. The schedule for the elections shall be notified in accordance with law, **by 30th April, 2026** and the entire election process shall be concluded by **31st July, 2026**.

12. Insofar as membership of Respondent Nos. 5, 6 and 7 is concerned, the submission of Mr. Neeraj Malhotra, Id. Sr. Counsel for the Petitioner is that



these Respondents were not members on the day when the Administrator was appointed *i.e.*, 19th January, 2026. They have been granted membership only after the Administrator has taken over *i.e.*, in February, 2026.

13. Mr. Neeraj Malhotra, Id. Sr. Counsel relies upon the following two judgments to contend that membership cannot be granted to new members by an Administrator:

(i) ***K. Shantharaj and Anr vs. M.L. Nagaraj and Ors. (1997) 6 SCC 37***

(ii) ***Joint Registrar of Cooperative Societies Kerala vs. T.A. Kuttappan and others (2000) 6 SCC 127***

14. In ***K. Shantharaj (supra)*** the Supreme Court has clearly held as under:

“5. It would be clear from the language of these provisions that the Administrator or special officer, subject to control of any of the functions of the society, and in the interest of the society can take such action as is necessary for proper functioning of the society as per law. He should conduct elections as is enjoined thereunder. In other words, he is to conduct election with the members as on the rolls and by necessary implication, he is not vested with power to enrol new members of the society.

6. The learned Single Judge in his judgment has held thus:

“The new members enrolled by the Administrator is without authority of law and in utter disregard to the bye-laws of the society and they have no right to participate in the election. Since the order of supersession is declared invalid, the election has to be conducted from the stage it was intercepted at the earliest opportunity. The members who are enrolled during the pendency of the writ petition shall not participate in the election and the Administrator shall



notify the election with fresh calendar of events and hold the election with the members who were then in existence when WP No. 16378 of 1992 was filed. The General Body or the Board of Directors elected by the General Body shall consider the application of the new members enrolled by the Administrator keeping in view the criteria or the eligibility contemplated under Bye-law 15 and dispose of their application in accordance with the bye-law after due consideration.

7. The Division Bench after elaborate consideration has agreed with the above conclusion reached by the learned Single Judge and held thus:

“Accordingly, he is not entitled to enrol new members. But it has to be noted that the wording of Section 33(2) of the Kerala Cooperative Societies Act is slightly different from the wording of Section 30 of the Act. In the Kerala Act, the Administrator has power to exercise all or any of the functions of the committee, whereas in the Karnataka Act, the Administrator can only exercise all or any of the functions of the committee. Moreover, as stated earlier, the difference in the authority vested in an Administrator and a Special Officer, as is made in the Karnataka Act is not considered in the Kerala decision. The difference in the authority vested in an Administrator and a Special Officer in the Karnataka Act, is very significant which is absent in the Kerala Act. In that view of the matter, the dictum laid down by the Division Bench of the Kerala High Court, cannot have any application while determining the comparative authority of an Administrator and a Special Officer appointed under Sections 30 and 30-A of the Karnataka Act respectively.

In view of what is stated above, we confirm the decision of the learned Single Judge and dismiss these appeals. The direction regarding election given



by the learned Single Judge shall be carried out by the respondent concerned within two months from the date of receipt of a copy of this judgment.”

8. **Shri Santosh Hegde, learned Senior Counsel, contends that since the Administrator has power to conduct elections, by necessary implication, he has power to update the electoral lists by either enrolling the new members or substituting the legal representatives of the members in accordance with the bye-laws; therefore, he has power to enrol the members. We find that there is no force in the contention. The power of Administrator given under the statute to conduct elections should be confined within the parameters set under the relevant provisions of the Act, rules and bye-laws. The Division Bench has minutely and carefully gone into all the questions and agreed with the learned Single Judge that the Administrator has no power to enrol new members; but he has the power to organise election process in accordance with the provisions of the Act, the rules and the bye-laws of the Society. In that view of the matter, we think that the High Court has not committed any error of law warranting interference.”**

15. In terms of the above judgement, the Supreme Court has held that the Administrator is to conduct the elections with the members as on the electoral roll. He is not vested with the power to enrol new members.

16. The judgement in **K. Shantharaj (supra)** has also been considered by the Supreme Court in **Joint Registrar of Cooperative Societies Kerala (Supra)**, wherein Supreme Court has reiterated that the discharging of functions by the Administrator under the Kerala Cooperative Societies Act, 1969 would not include changing the electoral roll. The relevant portion of the said judgement is set out below:



“[...]

7. *If we carefully analyse the provisions of the Act, it would be clear that the administrator or a Committee appointed while the Committee of Management of the Society is under supersession cannot have the power to enrol new members and such a question ought not to be decided merely by indulging in an exercise on semantics in ascertaining the meaning of the expression have "power to exercise all or any of the function."* Whether an authority is discharging a function or exercising a power will have to be ascertained with reference to the nature of the function or the power discharged or exercised in the background of the enactment. Often we do express that functions are discharged or powers exercised or vice versa depending upon the context of the duty or power enjoined under the law if the two expressions are inter-changeable. What is necessary to bear in mind is that nature of function or power exercised and not the manner in which it is done....”

17. Mr. Bharadwaj, Id. Counsel for RCS submits that the application for membership filed by Respondent Nos. 5, 6 and 7 was pending when the Administrator was appointed.

18. However, this Court is of the opinion that it is clear from the decisions of the Supreme Court extracted above, that the electoral roll cannot be modified by the Administrator.

19. Accordingly, it is directed that for the forthcoming elections, the electoral roll shall be the same would be as on the date of 19th January, 2026, except, if there is any substitution by legal heirs of the members or any other procedural formalities.

20. The question as to whether NCUI is a ‘specified multi-state cooperative society’ or not has not been decided by this Court.

21. The present petition is disposed of in these terms. All pending



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applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

MARCH 30, 2026/MR/SM