
(2023) 07 DEL CK 0180

In the Delhi High Court

Case No : Civil Writ Petition No. 4297 Of 2023, Civil Miscellaneous No. 16581, 36079-36081 Of 2023

Deepak Goyal And Ors

APPELLANT

Vs

Chief Secretary Delhi And Ors

RESPONDENT

Date of Decision : 18-07-2023

Acts Referred:

Delhi Co-operative Societies Act, 2003 — Section 35

Citation : (2023) 07 DEL CK 0180

Hon'ble Judges : Manmohan, J;Mini Pushkarna, J

Bench : Division Bench

Advocate : D.S.Kundu, Mehak Nakra, Abhishek Khatri

Final Decision : Disposed Of

Judgement

Manmohan, J

1. Present writ petition has been filed challenging the orders dated 19th January, 2023 and 20th September, 2022 as being contrary to the Delhi Cooperative Societies Act, 2003 ('DCS Act'). Petitioners also seek a direction to Respondent No.4 to vacate the office of Respondent No.3 as well as a direction to Respondent No.2 to decide and dispose of finally the representations dated 06th February, 2023, 07th February, 2023, dated 15th February, 2023 and 05th March, 2023 by way of a speaking order in time bound manner.

2. In essence, petitioners seek a direction to the Respondents to discharge their statutory obligations cast under Section 35 read with Rule 53 of the DCS Act and Rules and hold elections to the Management Committee of Respondent No 3.

3. Learned counsel for the Registrar of Cooperative Societies states that a Returning Officer has issued a notice dated 16th July, 2022, which reads as under:-

"Whereas the undersigned was appointed as Administrator cum Returning Officer

of K.K. CGHS Ltd. vide order no.107280356/RCS/S-IV/2023/297 dated 18-5-23 by the Registrar Co-operative Societies for 90 days to look after the day to day affair of the society and to conduct elections for the new Management committee of the society. In compliance to provisions of Schedule- II appended to Rule 53 of DCS Rules 2007, list of members of the society was published by affixing on the notice board of the society and the same was sent to the RCS office on 01-06-2023. Similarly list of defaulter members was also displayed on notice board of the society on 11-06-23. Agenda notice for conducting election of 11 members of the Management Committee of the KK CGHS Ltd. calling a Special General Body Meeting (SGBM) of the aforesaid society on 23-07-2023 was issued on 14-06-2023 (Copy placed at Annex-1). The agenda notice was sent to all members of the society by speed post and was also affixed on the notice board / prominent places in the society. Nominations were filed on 12-07-2023 and the scrutiny of the nominations was done on 13-07-2023. Final list of 11 candidates was displayed on 14-07-2023 at 5 PM on the notice board of the society and was also sent to the RCS (Annex-II).

Now, there is only one candidate for each post of Managing Committee of the society. No polling is necessary and all these 11 members will be declared elected unopposed to the Managing Committee and the SGBM will apprised accordingly.”

4. In view of the aforesaid notice dated 16th July, 2023, the primary relief sought in the present writ petition stands satisfied. Accordingly, the writ petition along with pending applications stands disposed of as satisfied.