

(2023) 07 DEL CK 0181

In the Delhi High Court

Case No : Civil Writ Petition No. 8999 Of 2023, Civil Miscellaneous No. 34130 Of 2023

Sunil Sachdeva & Anr.

APPELLANT

Vs

Registrar Of Cooperative Societies & Anr

RESPONDENT

Date of Decision : 18-07-2023

Acts Referred:

Delhi Co-operative Societies Act, 2003 — Section 62, 66

Citation : (2023) 07 DEL CK 0181

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

Bench : Division Bench

Advocate : Satyakam, D.S. Kundu

Final Decision : Disposed Of

Judgement

Manmohan, J

1. Present writ petition has been filed challenging the order dated 15th March, 2022 passed by the Financial Commissioner (F.C), Delhi in the Revision Petition No.144/2017.

2. Petitioners also seek a direction restraining Respondent No.1 and Administrator of Respondent No.2 from holding elections till such time the long pending inquiry under Section 62 of the Delhi Cooperative Societies Act, 2003 (hereinafter referred to as the 'DCS Act') is completed and also to take further action under Section 66 of the DCS Act expeditiously and in a time bound manner as mentioned in the F.C order dated 15th June, 2017.

3. The Petitioners who appear in person state that the impugned order dated 18th May, 2023 directing the Administrator of Respondent No.2 Society to conduct elections before completing the long pending inquiry amounts to overlooking his own lapse in initiating the inquiry under Section 62 of the DCS Act whereas Inspection Report has since long been submitted to his office on 06th December, 2019. He states that the inquiry has not even commenced till

date, despite lapse of three and half years and therefore, the impugned order dated 18th May, 2023 is liable to be set-aside on this ground alone.

4. A perusal of the paper book reveals that the last election in the Respondent-Cooperative Society was held in September, 2012 and the term of the said Managing Committee had expired in September, 2015. The elections had been postponed by the Registrar of Cooperative Societies vide order dated 03rd September, 2015 on the ground that a number of alleged irregularities had been committed by the previous Managing Committee. Thereafter, a series of Administrators had been appointed.

5. Despite lapse of more than eight years, the membership of none of the alleged fraudulent members has been cancelled till date. No action has been taken on the inspection report for last three and a half years.

6. This Court is of the view that democracy is the bedrock of Delhi Cooperative Societies Act and it is not proper that elections to the Managing Committee are not held for nearly eight years.

7. Further, as the election process has already been initiated, this Court is of the view that the only remedy available to the Petitioners is to file an election petition after the results are announced.

8. However, to balance the equities, the Registrar of Cooperative Societies is directed to ensure that the inquiry initiated in pursuance to the Inspection Report dated 06th December, 2019 is concluded within six months.

9. With the aforesaid direction, present writ petition along with pending application stands disposed of.