Case No.20/2014

Jai Lakshmi Co-operative Group Housing Society Ltd. Vs. The Registrar Co-operative Societies Delhi & Anr.

19.08.2014

Present : Shri K. K. Malhotra, Counsel along with Shri M. K. Verma, President of the Society for Petitioner
: Shri Gulshan Kumar, Counsel for R-1, RCS
: Shri Sukhbir Singh, Counsel for Applicant

1. Heard the Counsels for both the sides at length.

2. On the query raised by the Court as to who is responsible for conducting elections in the Society, Counsel for Petitioner submitted that presently the Administrator appointed by the RCS is responsible for conducting elections.

3. Shri M. K. Verma, President of the Society stated that although all the members of the society are fully cooperating with the Administrator to conduct the elections, the Administrator is not doing anything to conduct the elections for which he was appointed by the RCS. Instead the Administrator has taken over all the administrative affairs of the Society and further appointed care takers to carry out the affairs of the society. He further submitted that Administrator was appointed for conducting the election not for operating bank account, appointing his agents to conduct/control affairs of the society.

4. The Counsel for respondent submitted that not conducting the election since last 12 years does not confer the right to remain the president of the society. The president of the society is not providing the requisite documents to the administrator, causing delay in conducting the elections.

5. In the light of the averments made by both the sides, the Court feels that the petitioner is trying to redefine the Electoral College. The Administratorôs responsibility was to conduct the election. Other person has no right to interfere in the process. He is functionary appointed by the RCS and answerable for his conduct. The Managing Committee was supposed to extend its cooperation. The Petitioner may take the issue before the RCS if the conduct of the Administrator is beyond his jurisdiction.

6. Shri K. K. Malhotra, Counsel for the petitioner verbally requested that he may be allowed to withdraw the petition with liberty to file afresh before the appropriate authority.

7. The verbal request of the Counsel for petitioner is allowed and the case is dismissed as ówithdrawnô with liberty to approach appropriate authority.

8. File be consigned to record room after completion.

-sd-

(D. M. Spolia)
Financial Commissioner
Delhi