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

Date of Decision: 28th September, 2026

Uploaded on: 29th September, 2026

CNR No. DLHC010464762026

+ **W.P.(C) 14292/2026, CM APPL. 66891/2026 & CM APPL. 66892/2026**

LT COLRAMESHWAR SINGH RATHEE RETDPetitioner

Through: Mr. Mr. Karan Kumar Gogna, Adv.

versus

REGISTRAR CO-OPERATIVE SOCIETIES AND ORS

.....Respondents

Through: Mr. Dhruv Rohatgi, Panel Counsel
GNCTD Ms. Chandrika Sachdeva and
Mr. Dhruv Kumar, Advs.
Mr. Kunal Tandon, Sr. Adv; Ms.
Aanchal Tandon, Ms. Niti Jain; Mr.
Nitai Agarwal, Advs. For R-4

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DINESH BHATT

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 Article 226 of the Constitution of India, *inter alia*, challenging the elections to the Managing Committee of the Society *i.e.*, Maharishi Dayanand CGHS Ltd. Masoodpur Village, *Khasra* no. 310 (Opposite Imperial Club of India), Opposite Imperial Club of India, New Delhi (*hereinafter*, '*the Society*').



3. The background of the present case is that the Petitioner is one of the members of the society. According to the Petitioner, 18 persons, who were not members of the Society, have been allowed to participate in the elections, held on 09th August, 2026. The results of the election have also been declared.

4. The further case of the Petitioner is that the said 18 members were alleged transferees from the original members, whose membership had not been regularised and, according to the Petitioner, they could not have been permitted to vote or contest in the elections.

5. Previously, two writ petitions had been filed in respect of the elections of the same Society.

6. In the first writ petition being **W.P.(C) 8553/2026** titled '**Lt. Col. Rameshwar Singh Rathee and Anr. v. The Registrar of Cooperative Societies & Ors.**' the Court had, *vide* order dated 23rd July, 2026, directed that the elections of the Society be held in terms of the agenda dated 10th July, 2026 and an Observer for the conduct of the elections was also appointed. The relevant portion of the order dated 23rd July, 2026 is as under:

"[...] 7. Heard the ld. Counsel for the parties. In view of the fact that the Agenda notice has now been issued, the Court is not inclined to go into the issues of delay in conduct of elections. While there can be no doubt that such delays ought not to have occurred, and cautioning the Returning officer, let the elections be held in terms of the agenda shown to the Court, as issued by the Returning Officer. The said agenda dated 10th July, 2026 is extracted below:

xxx xxx xxx

8. Mr. Kanwaljeet Arora, Principal District and Session Judge (Retd.) (M: 9910384733), is appointed as an observer for conduct of the elections of the Society.



9. A lumpsum fee of Rs.2,00,000/- shall be paid to the said Observer by the Society. The Returning Officer shall cooperate with the observer for conduct of the elections in a free, fair and peaceful manner....”

7. In **W. P. (C) 9981/2026** titled **‘Meenal Singh & Ors. v. The Registrar of Co-operative Societies & ors.’**, the challenge was raised in respect of the voters list for the conduct of the elections of the Society.

8. Vide order dated 23rd July, 2026 in **W. P. (C) 9981/2026**, the Court had directed as under:

*“[...]5. In view of the fact that elections have been announced and the Returning Officer has already been appointed, it is directed that the elections shall continue to be held, as scheduled. This Court has appointed an Observer for the elections vide today's order passed in **W.P. (C) 8553/2026**.*

6. The Petitioners' representation dated 5th July, 2026 shall be decided within three months

7. The decision on this representation shall not hold back the elections in any manner....”

9. As can be seen from the above order, the Court had directed that the elections would continue as scheduled, as per the agenda. It was also noted that an observer had also been appointed by this Court for the conduct of the elections, vide order dated 23rd July, 2026 in **W.P.(C) 8553/2026**.

10. Further, it was also directed that Petitioner's representation dated 5th July, 2026 be decided within three months.

11. In the meantime, the election results for the Managing Committee of



the Society have been announced and the prayer in this petition, is for countermanding the said elections and to hold fresh elections.

12. Ld. Counsel for the Petitioner submits that, the 18 members having been permitted to contest and vote, and some having also succeeded, the elections are not tenable, as their membership is not duly approved.

13. On behalf of the Society, Mr. Kunal Tandon, Id. Senior Counsel, submits that the 18 persons were proper transferees in accordance with law, and that it is not necessary that only first-degree blood relations could be transferees.

14. In this regard, Id. Sr. Counsel for the Society has placed reliance upon the decision of the Division Bench of this Court in ***W.P.(C) 4332/2021***, titled '***Ranjana Rajagopalan v. Lt. Lieutenant Governor of Delhi***', dealing with Rule 29(g) of the Delhi Cooperative Societies Rules, 2007, to argue that nominees need not be blood relations.

15. On behalf of the Registrar of Cooperative Societies (*hereinafter*, '***RCS***'), Mr. Dhruv Rohatgi, Id. Counsel has placed on record a recent order dated 09th September, 2026 passed by the RCS.

16. *Vide* the said order, the RCS has implemented the order dated 23rd July, 2026 passed by this Court in ***W. P. (C) 9981/2026*** where it was directed that the representation of the Petitioner ought to be decided within a period of three months. The representation has been decided and the said order dated 9th September 2026 has been passed.

17. The relevant portion of the order dated 9th September, 2026 passed by the RCS is set out below:

““Findings and Decision”

In view of the above facts and the applicable statutory



provisions, I am of the considered opinion that the alleged transfer of membership/share in favour of the said 18 persons is not legally sustainable. The transfers were made on the basis of GPA, SPA, Agreement to Sell, etc., during 2010-11, whereas the transferees were not first-degree blood relations of the original members, as required under Rule 29(g) of the DCS Rules, 2007.

Further, the provisions of Rule 92 are not attracted so as to validate the alleged transfers, since no flat or plot had been allotted the original members or to the transferees. The flats are still under construction and the building is sealed by MCD. No allotment of a flat by DDA has been made in favour of any of the said persons.

It is also relevant that the matter concerning Simmi Kapur and Manohar Verma, who are among the said 18 persons, is pending before the National Consumer Disputes Redressal Commission. In these circumstances, and particularly in view of the statutory position under Rule 29(g) and the stage of the housing project, regularisation of the alleged membership of the said 18 persons is not feasible at this stage.

Accordingly, the 18 persons cannot be treated as validly transferred/regularised members of the society on the basis of the alleged transactions referred to above. The representation dated 05.07.2026, is, therefore, hereby rejected.

Ordered accordingly."

18. In terms of the above order, the RCS has taken a position that the transfer of the membership in favour of 18 persons is not legally sustainable.

19. The RCS having already held that the 18 persons are not validly transferred and regularised members, fresh elections for the Managing



Committee of the Society would have to be held. The RCS is also stated to be in the process of appointing an Administrator.

20. Under these circumstances, the prayer in the present petition no longer survives.

21. The rights of members of the Society for challenging the order dated 09th September, 2026 passed by the RCS is reserved.

22. The RCS may appoint an Administrator within two weeks, if not already appointed, for managing the Society. Until then, the present Managing committee shall continue to function, however, it shall not take any major decision in respect of finances of the society, except day-to-day expenses.

23. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 28, 2026/ss/sm