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

*Date of decision: 8<sup>th</sup> April, 2026*

*Uploaded on: 13<sup>th</sup> April, 2026*

+ **W.P.(C) 18454/2025**

NTPC EMPLOYEES COOPERATIVE GROUP HOUSING  
SOCIETY LTD. ....Petitioner

Through: Mr. D.K. Rustogi, Adv.

versus

REGISTRAR COOPERATIVE SOCIETIES AND ORS.

.....Respondents

Through: Mr. Shubham Gupta, Counsel for R-3.

Ms. Urvi Mohan, Adv. for  
RCS/GNCTD

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE MADHU JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.

**CM APPL. 22321/2026 (for postponement of hearing)**

2. This application has been filed by the Petitioners seeking postponement of hearing of the present writ petition.

3. For the reasons stated in the application as also the fact that the Id. Counsels for the parties are ready to make submissions today, the application is allowed and the matter is heard today. Application is disposed of.

**W.P.(C) 18454/2025**

4. The present petition has been filed under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the order dated 26th September, 2025 (hereinafter, '*impugned order*') passed by the Respondent No.1-



Registrar Cooperative Societies, Delhi (hereinafter, 'RCS') .

5. The petition was initially titled and filed by NTPC Employees Cooperative Group Housing Society Ltd. (hereinafter, 'Society') but was thereafter, *vide* order dated 8<sup>th</sup> January, 2026 amended to reflect three Petitioners, who were all part of the Managing Committee of the Society. The said three Petitioners are:

- Mamta Yadav (Erstwhile President)
- Anuj Tyagi (Ex-Secretary)
- Pankaj Monga (Ex. Treasurer)

6. The brief background of the case is that the term of the Managing Committee of the Society which was earlier elected was to expire on 13<sup>th</sup> October, 2022. The Society, sometime in August-September, 2022 had requested the RCS to appoint a Returning Officer to conduct the elections of the Managing Committee of the Society. At that time, the RCS had appointed Sh. Tariq Salam, as a Returning Officer and the elections were conducted and the Managing Committee of the Society was also duly constituted.

7. On 20<sup>th</sup> October, 2022, out of the seven members of the Managing Committee, three members *i.e.*, Vice president, Women MC Member and MC Member had tendered their resignations. There is stated to be some dispute that the said resignations were not duly tendered in accordance with the by-laws. However, in view of the said resignations, on 12<sup>th</sup> December, 2022, the RCS passed an order appointing Shri Mahesh Kumar Gupta, Retd. DANICS, as an Administrator-cum- Returning Officer under Section 35(5) of the Delhi Co-operative Societies Act, 2003 (hereinafter, 'DCS Act') to manage the day-to-day affairs of the Society and to also conduct the elections for the Managing Committee. This appointment of Mr. Mahesh Kumar Gupta was



challenged by the society in *W.P.(C) 17582/2022 titled NTPC Employees Cooperative Group Housing Society Ltd. v. Registrar Cooperative Societies & Ors.*

8. In the said writ petition, *vide* order dated 5<sup>th</sup> January, 2023, *status quo* was granted in the following terms:

- “1. Mr. Udit Malik states appropriate shall be that respondents file counter affidavit within four weeks.
2. Rejoinder be filed within two weeks thereafter.
3. Mr. D. K. Rustagi reiterates his statement as made on December 22, 2022, on instructions that respondent No.3 has not taken charge as an Administrator of the Society till date.
4. In view of above, *status quo* as of today shall be maintained till the next date of hearing.
5. List on May 10,2023.”

9. After the said *status quo* order was passed, the said writ petition was disposed of finally on 13<sup>th</sup> August, 2025 in the following terms:

- “1. As per order dated 12th August 2025, learned counsel appearing for respondent no. 1 has sought to canvass that the order impugned appointing an administrator is sustainable as the same is in tune with the provisions of Section 35(5) of the Delhi Cooperative Societies Act 2003 ('DCS Act').
2. Learned counsel appearing for respondent no.1 has sought to demonstrate from the record that not only has the petitioner/managing committee acted upon the resignation submitted by the committee members, which has resulted in deficiency of quorum, but since the committee cannot continue, in such an eventuality, in terms of the **Bye-Law No.23**, the order impugned can be justified, thereby appointing an administrator.
3. The submissions made by the learned counsel for respondent no. 1 are not borne out from the reasons in the impugned order; rather, the impugned order itself



*contains the reasons for exercising the powers under Section 35(5) of the DCS Act for appointment of administrator. Respondent no.1 is using the pleadings in the petition to substantiate his order.*

*4. It is a settled position of law that the authority cannot borrow reasons from other sources to justify its orders, unless the reasons can be said to have been mentioned in the record. Even the record to that effect has also not been placed before us.*

*5. In such an eventuality, we are not inclined to accept the submissions of counsel for respondent no. 1 in justification of the issuance of the order impugned.*

*6. However, at this stage, it is brought to our notice that the issue about dismembering from the petitioner's society was under consideration in **W.P.(C) 11561/2025** titled '**Ajay Jain & Ors. vs. Registrar of Cooperative Societies & Anr.**' The said petition was disposed of by this Court vide order dated 04th August 2025 with directions to respondent no.1.*

*7. The nature of directions issued was for the arbitrator to look into the claim as regards the members who allegedly cannot be continued with the petitioner's society. We have observed in the said order that the Arbitrator is required to do the same expeditiously.*

*9. In this background, we deem it appropriate to allow the present petition, thereby quashing the impugned order dated 12th December, 2022.*

**10. The fact remains that vide order of 05th January 2023, this Court permitted the petitioner/managing committee to continue with status quo as long and as a sequel thereto, the petitioner/managing committee is stated to have continued managing the affairs of the society.**

**11. We make it clear that, if so required, respondent no.1 shall be at liberty to pass a speaking order in the matter afresh, having regard to the statutory provisions as reflected in Section 35 of the DCS Act.**

*12. The petition stands disposed of with the above*



*directions.*

*13. Pending applications stand disposed of.*

*14. Order be uploaded to the website of this Court.”*

10. In the meantime, while the *status quo* order continued, the Managing Committee of the Society co-opted three other members and issued an election notice. On 1st August, 2025, the Managing Committee of the Society had itself appointed Shri Mahesh Kumar Gupta, as a Returning Officer for the said elections. The agenda notice issued by the said Returning Officer was also circulated and served upon the RCS. The same reads as under:



Annexure P-14

BY SPEED POST

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OFFICE OF THE RETURNING OFFICER

Election of Managing Committee of the NTPC Employees Cooperative Group Housing Society Ltd.  
Plot No.10, Sector 19B, Dwarka, New Delhi-110075**AGENDA NOTICE**

Whereas the undersigned has been appointed as Returning Officer by the Managing Committee of The NTPC Employees Cooperative Group Housing Society Ltd. Plot No.10, Sector 19B, Dwarka, New Delhi 110075, (Regn. 1163/GH) vide letter dated 01.09.2025 to conduct the Election of the Managing Committee of the NTPC Employees Cooperative Group Housing Society Ltd., Plot No. 10, Sector 19B, Dwarka, New Delhi 110075.

Now, therefore, I, M.K. Gupta, Returning Officer of the NTPC Employees Coop. G/H Society Ltd. hereby call a SPECIAL GENERAL BODY MEETING for election of the aforesaid Society on 12.10.2025 (Sunday) at 10.30 A.M. in the premises of NTPC Employees Cooperative Group Housing Society Ltd., Plot No. 10, Sector 19B, New Delhi-110075, for conducting the election for One (01) Post of President, One (01) Post of Vice-President and Five (05) Posts of Managing Committee Members, (out of which two (02) Posts are Reserved for Women Managing Committee Members as per of DCS Rules 2007). The election of the Managing Committee of the NTPC Employees CGHS Ltd. are being held under the provisions of DCS Act 2003 enforced w.e.f. 01.04.2005 read with Rule 53 of DCS Rules, 2007 and procedure for the conduct of election of the Committee as provided in Schedule II of the DCS Rules, 2007 and the term of Managing Committee of the NTPC Employees CGHS Ltd. shall be for three (03) years.

**ELECTION PROGRAMME**

Sl. No.	Programme	Date	Time	Venue
1.	Issue of Nomination Forms (free of cost)	25.09.2025	2.00 PM to 4.00 PM	Premises of the NTPC Employees Cooperative Group Housing Society Ltd., Plot No.10, Sector 19B, Dwarka, New Delhi-110075
2.	Filing of Nominations	26.09.2025	2.00 PM to 4.00 PM	-do-
3.	Scrutiny of Nominations	29.09.2025	2.30 PM	-do-
4.	Display of List of Valid Nominations	29.09.2025	3.30 PM	-do-
5.	Withdrawal of Nominations	30.09.2025	2.00 PM to 4.00 PM	-do-
6.	Display of final list of contesting candidates	30.09.2025	5.00 PM	-do-
7.	Polling (if necessary)	12.10.2025 (Sunday)	10.30 AM to 2.30 PM	-do-

The candidates will deposit Rs.1000/- (one thousand) as Security either in cash or pay order alongwith Nomination papers and shall be presented in person or sent by registered post acknowledgement due, (with the condition that the nomination paper should reach the undersigned by the stipulated date and time) by the candidate himself or by his proposer or seconder to the Returning Officer or to any officer duly authorized in this behalf by the Returning Officer on the date and time mentioned above. As per provisions of section 25 of DCS Act, 2003, a nominal or associate or joint member shall not have right of vote. A person shall not be eligible to contest election for two posts simultaneously. Further, the candidate, proposer & seconder shall not be a defaulter. A member shall not be eligible to contest for the election if he/ she has not completed minimum period of one year from the date of acquiring membership in the Society to the date of filing of Nominations as per provisions of rule 54(h) of the DCS Rule, 2007. However, new members are eligible for voting. In case, the candidates gets less than 1/6th of the total votes polled, the security deposit shall be forfeited. The list of members and defaulters of the aforesaid Society shall be displayed at the Notice Board of the undersigned and at the Head Office of the aforesaid Society. **The Candidates, Proposers & Seconders are requested to submit self attested copy of ID proof on the date of filing of Nomination.**



**SPECIAL NOTE**

The Election/Meeting shall start on 12.10.2025 (Sunday) at 10.30 A.M. in the premises of the NTPC Employees Cooperative Group Housing Society Ltd., Plot No. 10, Sector 19B, Dwarka, New Delhi-110075. The quorum of the meeting will be observed upto 11.00 A.M. In case, the quorum is not complete within half an hour, the meeting shall be adjourned for fifteen minutes on the same day i.e. from 11.00 A.M. to 11.15 A.M. at the same place and the adjourned meeting for the election shall take place from 11.15 A.M. onwards on 12.10.2025 (Sunday). In the adjourned meeting, no quorum shall be necessary in terms of the Rule 48 (3) of DCS Rules 2007.

**COUNTING OF VOTES**

The counting will start immediately after the polling is over and result will be declared immediately after completion of the counting.

Dated: 15.09.2025

Copy forwarded to:

1. All the Members of the NTPC Employees Cooperative Group Housing Society Ltd., Plot No.10, Sector 19B, Dwarka, New Delhi-110075.
2. The Hon'ble Registrar, Cooperative Societies, Govt. of NCT of Delhi, Parliament Street, New Delhi-110001.
3. The Assistant Registrar, O/o The Registrar, Cooperative Societies, Govt. of NCT of Delhi, Parliament Street, New Delhi-110001.
4. Notice Board of the Returning Officer/Society.

23 SEP 2025

**M.K. GUPTA**  
RETURNING OFFICER  
THE NTPC EMPLOYEES CGHS LTD.  
PLOT NO.10, SECTOR-19B, DWARKA  
NEW DELHI-110075

(M.K. Gupta)  
Returning Officer

**RECEIVED**

**Note:-** As per provisions of the D.C.S. Act, 2003 and D.C.S. Rules, 2007 the defaulter members are neither eligible to contest the election, nor entitled to cast their votes. It is notified that the Society has supplied a list of Members which is available with the Returning Officer and displayed at Notice Board of the Society/ Returning Officer. Members are advised to check the list of Members to avoid any inconvenience at the time of filing of nomination forms. As per proviso of Clause 3 of Schedule-II defaulter shall be allowed to clear their dues before the date of filing of nomination.

**All the members are requested to bring the proof of their identification by way of Identity card issued by the Society /Aadhar Card/Driving License/ Pan-card/Election I-card, Photo I-Card issued by the Govt. or any other related document for their identification to facilitate the smooth conduct of election of the society.**

11. After the order dated 13<sup>th</sup> August, 2025 was passed by this Court and the agenda notice dated 15th September, 2025 was circulated, the RCS passed the impugned order dated 26th September, 2025 appointing the Respondent



No.3-Sh. Ram Kumar Savant as Administrator-cum-Returning Officer. The ground on which the said impugned order has been passed is that there was a violation of Clause 23(i) of the bye-laws of the Cooperative Group Housing Society. This order passed by the RCS has been challenged in the present writ petition. The reliefs sought in the present writ petition is under:

*“(a) Issue a writ of mandamus, or any other appropriate writ or to quash/set aside the order dated 26.09.2025 passed by the respondent no.1 malafidely invoking section 35 (5) of Delhi cooperative societies act, 2003 and to conduct the election as per the provisions of the Delhi cooperative societies act, 2003.*

*(b) Issue a writ of mandamus, or any other appropriate writ, order or direction directing the Respondent No. 1 to hold elections of the NTPC Employees CGHS Society and allow only the members who clear all the dues including the demand letter of the society dated 10.05.2025 or conversely admit the appointment of an RO under Rule 53 of the Delhi Co-operative Societies Act, 2007, Section 35 of the DCS ACT 2003;*

*(c) pass any other order or direction as this Hon’ble Court deems fit and proper in the facts and circumstances of the present case. ”*

12. The submission of Mr. D.K. Rustogi, Id. Counsel for the Petitioners is that the invocation of Clause 23(i) of the bye-laws of the Cooperative Group Housing Society is completely impermissible in as much as in order dated 13<sup>th</sup> August 2025 wherein this Court had already made observations in respect of the said bye-law there was no violation of the said bye-law.

13. It is further submitted by Mr. Rustogi, Id. Counsel that there was no requirement to pass the impugned order appointing an Administrator-cum-



Returning Officer when the Managing Committee of the Society had itself appointed a Returning Officer. Ld. Counsel submits that it is only if there is a violation of Section 35 of the DCS Act, the scheme of Section 35 (5) of the DCS Act could be invoked by the RCS. Reliance is placed upon the decisions in *W.P.(C) 2589/2010* titled '*The New Friends Co,op House Building Society Ltd. v. v. Registrar Cooperative Societies & Ors.*' where *vide* order dated 22<sup>nd</sup> April, 2010, a Division Bench of this Court had observed as under:

*“ The provisions of the sub Section 5 of Section 35 of the said Act come into play in case of failure of the committee to arrange for elections of the new Committee before expiry of its term while in the present case the Committee had made arrangement for holding such elections, but the election process was thwarted by the Returning Officer himself.*

*Learned counsel for the petitioner states that they objection to the appointment of R-4 as the Returning Officer, but there is no occasion to appoint the administrator in such a situation where all that is required to be done has been done by the Society and the gazetted officer appointed to hold the elections thwarted the election process in the middle by suspending the elections instead of deciding the validity of the objections if any by certain members.*

*We are in agreement with the submission of the learned counsel for the petitioner. R-4 has been appointed as the Returning Officer. He will proceed to conduct elections expeditiously in accordance with the said Act and Rules framed thereunder.*

*The second order dated 09.04.2010 appointing R-3 as the administrator in the given facts of the case is quashed.”*

14. In addition, reliance is also placed upon the order dated 5<sup>th</sup> December,



2019 in *W.P.(C) 12817/2019* titled ‘*Jamia Cooperative Bank Limited v. Govt. of NCT of Delhi & Anr.*’ wherein, a Division Bench of this Court in paragraph 18 and 19 had observed as under:

“18. *The upshot of the above discussion is that there is no failure by the outgoing Managing Committee of the Petitioner society to arrange for election of the new committee in terms of Section 35 (5) of the DCS Act and, therefore, the occasion to appoint an Administrator to the Petitioner society did not arise.*

19. *Consequently, the impugned order to the extent that it appoints Mr. Krishnan not just as an RO to conduct the elections to the new committee, but also as an Administrator of the Petitioner society is bad in law and that part of the impugned order appointing him as Administrator is accordingly set aside. He will, of course, continue as the RO for the purpose of conduct of elections to the Managing Committee/Board of Directors of the Petitioner”*

15. On the other hand, Mr. Shubham Gupta, Id. Counsel appearing for the Administrator-cum-Returning Officer submits that the purpose of passing the impugned order dated 26<sup>th</sup> September, 2025 was that out of the entire Managing Committee of the Society, three members had resigned and the remaining four members chose to co-opt four further members which is impermissible. Further, it is submitted that the order dated 13<sup>th</sup> August, 2025 passed by this Court in *W.P.(C) 17582/2022* had permitted the RCS to pass a speaking order in place of the earlier orders which lacked reasons.

16. Ms. Urvi Mohan, Id. Counsel for the RCS also supports this contention and submits that *vide* paragraph 11 of the order dated 13<sup>th</sup> August, 2025, speaking order was to be passed by the RCS.



17. This Court heard the counsel for the parties. Firstly, when the *status quo* order was passed on 5<sup>th</sup> January, 2023 by this Court in ***W.P.(C) 17582/2022***, the Managing Committee, on its own, could not have called for an election while the said writ petition was pending before this Court.

18. The Managing Committee of the Society had a duty to inform the Court and take permission of the Court to call for the elections during the operation of the *status quo* order.

19. Further, the earlier order dated 12<sup>th</sup> December, 2022 passed by the RCS appointing Mr. Mahesh Kumar Gupta as the Administrator-cum-Returning Officer was under challenge in ***W.P.(C) 17582/ 2022*** and while passing the final order on 13<sup>th</sup> August, 2025, the Court had permitted the RCS to consider the matter as fresh and pass a speaking order. In effect therefore, the Court also observes in paragraph 10 of the said order that the Managing Committee of the Society was under a duty to continue with the *status quo*.

20. Under such circumstances, the power of the RCS to pass a speaking order was emanating from the order dated 13<sup>th</sup> August, 2025 passed by the Court in ***W.P.(C) 17582/2022***. The earlier order dated 5<sup>th</sup> January, 2023 in the said writ petition which granted *status quo* did not permit the Managing Committee of the Society to call an election and that too without the leave of the Court.

21. Accordingly, the impugned order dated 26<sup>th</sup> September, 2025 appointing an Administrator-cum-Returning Officer could not have been faulted as the RCS was given the permission to pass the speaking order. As can be seen, the RCS has appointed an independent person namely, Sh. Ram Kumar Sawant, who has got the elections conducted to the Managing Committee of the Society. The new Managing Committee has also been



constituted as has been recorded in the previous order dated 27<sup>th</sup> March, 2026.

22. The short affidavit of the Administrator-cum-Returning Officer has also been placed on record which would show that the newly elected Managing Committee of the Society is as under:

*“11. It say that in accordance with the elections schedule, polling was successfully held on 11.01.2026 wherein the following seven members were duly elected to the Management Committee of the Society:*

- (a) Mrs. Maneesha Bajpai - President;*
- (b) Mr. Pawanjit Singh Walia - Vice-President;*
- (c) Mrs. Pammi - Woman Member;*
- (d) Mrs. Suman Sharma - Woman Member;*
- (e) Mr. Ajay Jain - Member;*
- (f) Mrs. Rina Chopra- Member; and*
- (g) Mrs Vinod Gupta - Member.”*

23. At this stage, the Court is also being informed that a petition under Section 70 of the DCS Act has also been filed being **ARB Case No. 117/GH/DR/ARB/2025-26/559-70** challenging the newly elected Managing Committee as also the elections conducted by the Administrator-cum-Returning Officer. The next date of hearing in the said petition is stated to be 13th April.

24. The prayers in this writ petition are primarily for conducting of elections which has now been done in accordance with the report placed by the Administrator-cum-Returning Officer. Accordingly, the present writ petition is now infructuous and no further order would be called in the present writ petition.

25. In so far as the legal issue is concerned, the Managing Committee of the Society was functioning under the *status quo* order and therefore, it cannot be said that the announcement of the elections in September, 2025 by the



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Managing Committee was in accordance with Section 35 of the DCS Act. Under such circumstances the RCS was fully empowered to invoke Section 35 (5) of the DCS Act and appoint an Administrator-cum-Returning Officer in order to ensure free and fair conduct of elections of the Society.

26. Needless to act that all contentions in respect of the challenged elections are left open and are not examined by this Court.

27. The writ petition is disposed of along with the pending applications, if any.

28. The next date of hearing i.e. 10<sup>th</sup> April, 2026 stands cancelled.

**PRATHIBA M. SINGH  
JUDGE**

**MADHU JAIN  
JUDGE**

**APRIL 8, 2026/prg/ck**