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

Date of decision: 24th April, 2026

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+ **W.P.(C) 5597/2026 & CM APPL. 27350/2026, CM APPL. 27351/2026**

MANDEEP MANN

.....Petitioner

Through: Mr. Mohit Rana, Mr. Sanyam Tandon,
Mr. Aditya Choudhry, Mr. Himanshu
Rohilla, Mr. Shivam Gaur, Ms.
Sanjoli, Ms. Iti, Advs.

versus

THE REGISTRAR OF CO-OPERATIVE SOCIETIES & ORS.

.....Respondents

Through: Mr. Shashi Pratap Singh and Ms.
Shagun Sabharwal Advs. for R1

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Mandeep Mann under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the Agenda Notice dated 26th March, 2026 issued by Respondent No. 2-Mr. O.P. Mishra, Administrator-cum-Returning Officer for conducting the elections for the Managing Committee of the Sadbhawana Cooperative Group Housing Society Ltd (hereinafter, 'Society'). The Petitioner is stated to be a member of the said Society.
3. The submission of Mr. Mohit Rana, Id. Counsel for the Petitioner is



that the Administrator-cum-Returning Officer who was appointed by the Registrar Cooperative Societies (hereinafter, 'RCS'), did not have the power to act as a Returning Officer for conducting the said elections. It is further submitted on behalf of the Petitioner that there are various rules including the procedure for conducting the elections under Schedule II of the Delhi Cooperative Societies Rules, 2007, which have been violated.

4. Mr. Shashi Pratap Singh, Id. Counsel for the RCS submits that the elections for the Managing Committee of the Society were announced way back on 26th March, 2026 and the polling is scheduled for 26th April, 2026. Further, the Petitioner has a remedy to challenge the said elections once the same are conducted and accordingly, at this stage, the same should not be interdicted. Reliance is placed upon the order dated 10th March, 2025 of a Co-ordinate Bench of this Court in *W.P.(C) 2992/2025*, titled *Hari Shankar Singh v. The Registrar of Cooperative Societies & Anr..*

5. The Court has heard the Id. Counsels for the parties. A perusal of the order by which the Administrator-cum-Returning Officer was appointed, would show that the said order clearly states that the Administrator-cum-Returning Officer is appointed for managing the affairs of the Society and for conducting the elections for a new Managing Committee. The said order was passed on 10th February, 2026 by the RCS and the same is extracted below:

“Whereas, Sadbhawna CGHS Ltd. Plot No. 11, Sector 11, Dwarka, Phase-1, Delhi-110075, is registered with the Department vide registration No. 893/GH under the provision of DCS Act and Rules.

And whereas, vide this office order of even number dated 03.06.2025 Sh. Ram Kumar Sawant, Section officer Home Department was appointed as



Administrator under Section 37(1) of DCS Act, 2003 for a period of six months to manage the affairs of the society until a new managing committee is duly elected. The term of the Administrator was also extended for a further period of 180 days vide this office order dated 29.12.2025. Thereafter a representation was received from the Administrator regarding ambiguity of the orders of extension.

*Now, therefore, I Sanjay Jha, Dy Registrar (H/Sec-VII) hereby convey the approval of the Registrar Co-op. Societies to appoint Sh. O P Mishra, DANICS(Retd) as Administrator in Sadbhawana CGHS Ltd. Plot No.11, Sector 11, Dwarka, Phase-1, Delhi-110075 under section 37(1) of DCS Act, 2003 for the period of 180 days to **manage the affairs of the society and conduct elections for a new Managing Committee.***

The Administrator shall draw a sum of Rs. 10,000/- (Rs. ten thousands only) per month as honorarium along with conveyance charge out of the society funds”

6. The agenda for the elections of the Managing Committee of the Society was also issued on 26th March, 2026 and the schedule has been announced as under:

| <i>ELECTION PROGRAMME</i> | | | | |
|---------------------------|---|-------------------|------------------------------|-------------------------------|
| <i>S.No.</i> | <i>Programme Forms</i> | <i>Date</i> | <i>Time</i> | <i>Venue</i> |
| <i>1.</i> | <i>Issue of nomination forms (Free of Cost)</i> | <i>04.04.2026</i> | <i>12:00 Noon to 2:00 PM</i> | <i>Sadbhawana (CGHS Ltd.)</i> |
| <i>2.</i> | <i>Filling of nominations Forms</i> | <i>06.04.2026</i> | <i>09:30 AM to 10:30 AM</i> | <i>-do-</i> |



| | | | | |
|----|---|------------|-------------------------|------|
| 3. | <i>Scrutiny of nomination Forms</i> | 06.04.2026 | 12:00 PM to 12:30 PM | -do- |
| 4. | <i>Withdrawal of nomination Forms</i> | 07.04.2026 | 11:00 AM to 12:00 PM | -do- |
| 5. | <i>Display of Final list of contesting candidates</i> | 08.04.2026 | 11:00 AM | -do- |
| 6. | <i>Polling if necessary</i> | 26.04.2026 | 9:30 AM to 12:00 PM | -do- |

7. The Court has repeatedly queried the Id. Counsel for the Petitioner as to what is the grievance of the Petitioner in respect of the elections which has been announced. Except a general allegation of bias of the Administrator-cum-Returning Officer, no specific grievance has been raised. In addition, it is argued that the procedure prescribed in Schedule II of the of the Delhi Cooperative Societies Rules, 2007 has not been followed.

8. This Court is of the view that under such circumstances, the elections which have already been announced cannot be interdicted or stopped in any manner. Accordingly, the elections shall be conducted on 26th April, 2026 in a free and fair manner in accordance with the Act and the Rules.

9. Insofar as the allegation of the prescribed procedure not being followed is concerned, a Co-ordinate Bench of this Court in *Hari Shankar Singh (Supra)* has held as under:

“15. Before adverting to the instant case, it is pertinent to mention that it is a settled position of law that the elections ought to be conducted in a timely manner as per the prescribed schedule without any interference and the disputes pertaining to the said election be taken up after the



completion of the electoral procedure. The objective behind the same is to ensure that the elections are conducted in a free and fair manner, without infringing with the underlying authenticity and integrity of the same. The said position of law is also encapsulated in the case ***Union Territory of Ladakh & Ors. vs. Jammu and Kashmir National Conference & Anr., 2023 SCC OnLine SC 1140***, wherein, the Hon^{ble} Supreme Court observed as follows:

“37. We would indicate that the restraint, self-imposed, by the Courts as a general principle, laid out in some detail in some of the decisions supra, in election matters to the extent that once a notification is issued and the election process starts, the Constitutional Courts, under normal circumstances are loath to interfere, is not a contentious issue. But where issues crop up, indicating unjust executive action or an attempt to disturb a level-playing field between candidates and/or political parties with no justifiable or intelligible basis, the Constitutional Courts are required, nay they are duty-bound, to step in. The reason that the Courts have usually maintained a hands-off approach is with the sole salutary objective of ensuring that the elections, which are a manifestation of the will of the people, are taken to their logical conclusion, without delay or dilution thereof. In the context of providing appropriate succour to the aggrieved litigant at the appropriate time, the learned Single Judge acted rightly. In all fairness, we must note that the learned ASG, during the course of arguments, did



not contest the power per se of the High Court to issue the directions it did, except that the same amounted to denying the Appellants their discretion. As stated hereinbefore, we are satisfied that in view of the 1968 Order, the Appellants' discretion was not unbridled, and rather, it was guided by the 1968 Order.”

16. In the present case, the names of the 76 members were deleted in the impugned list, which was prepared by the Society, however, it is the contention of the petitioner that the removal of the said names impact the conduct of the elections. Therefore, it is observed there exists a dispute pertaining to the elections of the Society.

17. It is also observed that, as contended on behalf of the respondents, the aforesaid dispute may be taken up before the Returning Officer after the completion of the election process in accordance with the prescribed position laid down under Section 70(4)(a)(iv) of DCS Act.

18. It may also be observed that the petitioner admittedly had received notice of the AGM but chose not to participate in the meeting; and has approached this Court about 10 days before the date on which elections are scheduled.

*19. Therefore, keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Union Territory of Ladakh & Ors. vs. Jammu and Kashmir National Conference & Anr. (Supra)**, submissions advanced by the learned counsel for the parties and the contents made in the petition, the instant petition is, hereby, dismissed by granting liberty to the petitioner to challenge the impugned list dated 5th February, 2025 before the Returning*



Officer after the completion of the election process.”

10. In light of the above, it is directed that Petitioner is free to avail of his remedies as per law, to challenge the elections in terms of Section 70 of the Delhi Cooperative Societies Act, 2003, if so advised.
11. Further, in order to remove or obliterate any possibility of bias in the elections, the RCS shall also nominate an Observer to be present at the time, when the elections are conducted.
12. This Court has not gone into the merits of the present case.
13. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 24, 2026/ys/ck