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

Date of Decision: 20th November, 2026
Uploaded On: 23rd November, 2026

\# **CNR No. DLHC010527282026**

\+ **W.P.(C) 16200/2026 & CM APPL. 79684/2026**

DR. DIVYA SHARMA .....Petitioner

Through: Ms. Kartika Sharma, Advocate.

versus

THE REGISTRAR (DELHI CO-OPERATIVE SOCIETIES) AND ANR .....Respondents

Through: Mr. Shashi Pratap Singh, Ms. Shagun Sabharwal, Ms. Anamika Tyagi, Ms. Laqshyaa Saluja, Advocates for RCS.
Mr. Ritesh Kumar Bahri, APP with Mr. Vinesh Kumar and Ms. Sakshi Garg, Advocates for State.
SI Naman Mudgal.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (ORAL)

1. This hearing has been done through hybrid mode.

CM APPL. 79684/2026(for recalling the order dated 2nd November, 2026)

2. The present application has been filed by the Applicant-Mr. Raman Kumar under Section 151 of the Civil Procedure Code, 1908 seeking to partially recall the order dated 2nd November, 2026 of this Court in the instant Writ Petition.

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3. The instant matter relates to the elections for the Managing Committee of Hans Bhawan Friends CGHS Ltd. (*hereinafter 'the Society'*).

4. As recorded in the order dated 2nd November, 2026, the elections for the Managing Committee of the Society are due and repeatedly, the RCS is appointing Administrator-cum-Returning Officers who are unable to discharge their duties and functions under the Delhi Cooperative Societies Act, 2003.

5. The said order dated 2nd November 2026, passed by this Court, records in detail, that the first ARO who was appointed *i.e.*, Mr. Chander Veer (*hereinafter 'ARO-I'*), had resigned from the position after the announcement of elections sometime in March or April, 2025.

6. Thereafter, the second ARO, Mr. Mahender Pratap Singh (*hereinafter 'ARO-II'*), was appointed by the RCS and he had announced the election agenda for July 2026.

7. At that stage, a writ petition was filed by Dr. Divya Sharma, being ***W.P. (C) 9037/2026*** titled ***Dr. Divya Sharma vs. The Registrar (Delhi Co-operative Societies) & Ors.,*** in which it was directed that the new ARO, i.e., ARO-II would continue the said election process.

8. However, ARO-II also resigned thereafter and a new ARO, the third ARO *i.e.*, Mr. Ram Kumar Sawant (*hereinafter 'ARO-III'*), was appointed by RCS as the Administrator-cum-Returning Officer *vide* order dated 29th July, 2026.

9. Pursuant thereto, ARO-III announced the election agenda for the third time, dated 24th October, 2026 for conduct of elections after obtaining permission from RCS, however, there was obstruction by the members of the Society on 29th October, 2026, when the nomination forms were to be issued.

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10. In the course of the said obstruction, the ARO-III is stated to have been assaulted by some members and he had to file a complaint dated 29th October, 2026 with the SHO P.S. Farsh Bazar, Shahdara.

11. The said complaint was perused and after hearing the parties, detailed directions were passed *vide* order dated 02nd November, 2026 to the following effect:-

> *"22. The Court has considered the matter. Clearly, the repeated appointment of various Administrator-cum-Returning Officers by the RCS indicates that there are obstructions being caused in the conduct of elections in the Society.*
> *23. The latest, Administrator-cum-Returning Officer i.e., ARO-III, Mr. R.K. Sawant has specifically named the persons who allegedly assaulted and threatened him when he was in the process of issuing the nomination forms.* ***However, the connection between the Petitioners and the said two individuals, namely, Mr. Raman Kumar and Mr. Sanjeev Tomar, is not clear.***
> *24. Be that as it may, it is made clear that the Society's members cannot in any manner obstruct the conduct of elections in this manner repeatedly.*
> *25. The Petitioner is one of the persons contesting for the post of President, as is evident from the scrutiny papers of June, 2022. Thereafter, the Petitioner's name again figures in the list of contesting candidates for the post of Vice-President, as is evident from the list published on 20th April, 2025.*
> *26. Mr. Raman Kumar, against whom the ARO-III has given a complaint to the S.H.O. is contesting for the post of President as per the list published on 20th April, 2025.*
> *27.* ***There seems to be some reasons why these candidates do not want the elections to continue and***

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conclude in a peaceful manner, however the same are not clear to the Court.

28. The Administrator-cum-Returning Officers cannot be expected to again and again call for the elections, and be threatened and assaulted in this manner. The elections to the Society have to be held in a peaceful, fair and transparent manner.

29. ***Therefore, this Court is of the opinion that since these two candidates i.e. Mr. Raman Kumar and Mr. Sanjeev Tomar have misbehaved, assaulted and threatened the ARO-III, their candidature deserves to be disqualified. Ordered accordingly***.

30. In addition, in order to ensure the smooth and fair conduct of elections, the following further directions are issued:

i) The election agenda notice dated 24th October, 2026 is cancelled.

ii) ***Fresh Election Notice:*** *The ARO-III shall issue a fresh election notice within a week and shall publish the agenda for the elections;*

iii) ***Disqualification of M. Raman Kumar and Mr. Sanjeev Tomar:*** *Mr. Raman Kumar and Mr. Sanjeev Tomar shall not be permitted to contest of participate in the elections. Their nomination shall not be accepted;*

*iv)****Security Arrangements****: The S.H.O. of the concerned area shall, on the dates of issuance of nomination forms, scrutiny and other election-related processes, as well as on the date of polling, extend security for the conduct of elections within the premises of the Society;*

v) ***Registration of F.I.R.****: On the basis of the complaint dated 29th October, 2026, lodged by the ARO-III, an F.I.R shall be registered by S.H.O. PS, Farsh Bazar, Shahdara against Mr. Raman Kumar and Mr. Sanjeev Tomar and investigation shall be undertaken in the said FIR. The same shall proceed in accordance with law;*

*vi)****Appointment of Additional Observer:*** *The RCS Office shall, in order to assist the ARO-III, also depute*

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one more official as an Observer to oversee the elections, so that the same is conducted in a peaceful manner.

31. A copy of this order be communicated to the S.H.O. PS, Farsh Bazar, Shahdara, Delhi by the RCS as also by Mr. Ritesh Kumar Bahri, ld. APP.

32. The documents given by Mr. Shashi Pratap Singh, ld. Counsel are taken on record.

33. The present petition is disposed of in these terms. All pending applications are also disposed of."

12. As can be seen from the above order, the exact relationship between the Petitioner and the two persons who had allegedly assaulted the ARO-III was not fully informed to the Court. Further the Court clearly observed that the members of the Society cannot obstruct the elections in this manner.

13. Mr. Raman Kumar, who is now the Applicant in the present application, was one of the members who had misbehaved and assaulted ARO-III and accordingly, FIR was directed to be registered against him by the SHO of P.S. Farsh Bazar, Shahdara.

14. The Applicant and Mr. Sanjeev Tomar were also disqualified from contesting in the elections of the Managing Committee of the Society due to the complaint given by the ARO-III.

15. Today, this application has been filed seeking directions to the effect that the Applicant ought to be permitted to contest the elections and file the nomination forms and also the directions to SHO of P.S. Farsh Bazar, Shahdara to register an FIR against the Applicant ought to be recalled.

16. The Court has heard ld. counsel for the Applicant – Ms. Kartika Sharma and Mr. Shashi Pratap Singh, ld. counsel for the RCS. The ARO-III, Mr. Ram Kumar Sawant is also present in the Court. None of the counsels for the

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Petitioner are present. Ms. Kartika Sharma submits that Mr. Raman Sharma and Mr. Sanjeev Tomar are known to her as also her brother. She was engaged by Mr. Raman Sharma, hence she filed this application. The prayers in the application are as under:

> *"A. Pass an order thereby partially recall Order dated 02.11.2026 passed by this Hon'ble Court to the extent it records adverse findings and issues directions against the Applicant, namely Paras 27 and 29 and Paras 30(iii) and 30(v), resultantly allowing the Applicant herein to contest the Elections and file Nomination Form for the election which is stated to be held on 06.12.2026 and the Police be directed not to register an FIR against the Applicant. AND/OR*
> *B. Pass an Order thereby staying the Directions issued in Paras 30(iii) and 30(v) of the Order dated 02.11.2026 till the pendency of the present Application. AND/OR*
> *C. Any order this Hon'ble Court may pass in the interest of justice."*

17. Pursuant to be order dated 2nd November, 2026, the fresh election agenda has been issued by the ARO-III on 9th November, 2026, which is as under:-

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Annexure - I

Most Urgent
Time Bound

OFFICE OF THE ADMINISTRATOR
HANS BHAWAN FRIENDS CGHS LTD.
PLOT NO. 6, CBD, EAST ARJUN NAGAR,
DELHI - 110032

No.F.1/ARO/HBFCGHS/Elect/2026/91 Date: 09.11.2026

ELECTION AGENDA

Whereas, the undersigned has been appointed as Administrator-cum-Returning Officer by the Registrar Cooperative Societies, Govt. of NCT of Delhi, Parliament Street, New Delhi – 110001 vide order **No. F. No.47/275/GH/Sec-3/RCS/2024/part file/410 dated 29.07.2026** u/s 35 (5) of the DCS Act, 2003 to manage the affairs of the society and to conduct the election of the Managing Committee of **the Hans Bhawan Friends CGHS Ltd. Plot No.6, CBD, East Arjun Nagar, Delhi – 110032.**

Now therefore, I, Ram Kumar Savant, in the capacity of Administrator-cum-Returning Officer of **the Hans Bhawan Friends CGHS Ltd. Plot No.6, CBD, East Arjun Nagar, Delhi – 110032**, do hereby call for a "Special General Body Meeting" of the aforesaid Society on 06.12.2026 (Sunday) at 10:00 AM at the premises of the society for conduct of election to **(01) One Post of President, (01) one Post of Vice-President, (07) Seven Posts of Managing Committee Members (Including 02 Posts reserved for woman)** as per Schedule – II, of rule 53 of the DCS Rules, 2007. **The instant agenda is being issued on the direction of the Hon'ble High Court of Delhi passed in order dated 02.11.2026 in WP(C) 16200/2026 titled Divya Sharma V/s Registrar of Cooperative Societies and Anr.** The election of the Managing Committee is being held under the provision of DCS Act, 2003 enforced w.e.f 01.04.2005 and DCS Rules, 2007 enforced w.e.f 19.10.2007. The term of Managing Committee shall be for a period of three (03) years.

ELECTION PROGRAMME

S.No	Programme	Date	Time	Venue
1.	Issue of Nomination form (Free of Cost)	21.11.2026 (Saturday)	11::00 AM to 01:00 PM	**Society Office of the Hans Bhawan Friends CGHS Ltd. Plot No.6, CBD, East Arjun Nagar, Delhi-110032**
2.	Filling of Nomination	22.11.2026 (Sunday)	03:00 PM to 05:00 PM	
3.	Scrutiny of Nomination	24.11.2026 (Tuesday)	02:00 PM to 04:00 PM	
4.	Display of Valid Nomination	24.11.2026 (Tuesday)	04:00 PM to 05:00 PM	
5.	Withdrawal of Nomination	25.11.2026 (Wednesday)	03:00 PM to 05:00 PM	
6.	Display of final list of Contesting Candidate	25.11.2026 (Wednesday)	05:00 PM to 05:30 PM	
7.	Polling (If Necessary)	06.12..2026 (Sunday)	11:00 AM to 3:00 PM	**Society Hall**

ADMINISTRATOR-CUM-RETURNING OFFICER RAM KUMAR SAVANT

Hans Bhawan Friends C.G.H.S. Ltd. Arjun Nagar, C.B.D. Shadara, Delhi-32

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The nomination forms can be obtained free of cost from the above venue on 21.11.2026 from 11:00 AM to 01:00 PM. Duly filled nomination from alongwith 'Security Deposit' amounting to Rs. 1000/- in cash or by way of Banker's Cheque should be handed over by the candidate or Proposer or Seconder to the undersigned personally or to any other person authorized by the undersigned on the scheduled date and time mentioned above. A person shall not be eligible to contest election for two posts simultaneously. Further, the candidate, Proposer and Seconder shall not be a defaulter. A member shall not be eligible to contest the election if he/she has not completed minimum period of one (01) year from the date of acquiring Membership in the society till the date of filing of nomination as per the provision of rule 54(h) of the DCS Rule, 2007.

In case the candidate gets less than 1/6th of the total votes polled, his/her Security Deposit shall be forfeited. The list of eligible members and defaulters of the aforesaid society shall be displayed at the Notice Board of the aforesaid society as per proviso 3 of Schedule-II of rule 53 of the DCS Rules, 2007. Defaulters shall be allowed to clear their dues before the date of filing of nomination only and a proof of realization of the default amount in the society's account shall be furnished by the member concerned. The Candidate shall submit self-attested copy of their identity proof on the date of filing of nomination alongwith the identity proof of his/her proposer and seconder.

SPECIAL NOTEs

The election/SGBM shall commence on 06.12.2026 (Sunday) at 10:00 AM to 03:00 PM at **the Hans Bhawan Friends CGHS Ltd. Plot No.6, CBD, East Arjun Nagar, Delhi – 110032.** The quorum of the meeting will be observed from 10:00 AM up to 10:30 AM. In case, the quorum in not completed within next half an hour, the meeting shall be adjourned for 15 minutes on the same day, i.e. from 10:30 AM to 10:45 AM at the same place and in the adjourned meeting, no quorum shall be necessary in terms of rule 48(3) of DCS Rule, 2007.

COUNTING OF VOTES

The counting of votes shall start immediately after the polling is over and the result will be declared immediately after completion of counting process. The list of wining candidates shall be displayed on the Notice Board of the Society on 06.12.2026 itself.

(RAM KUMAR SAVANT)
ADMINISTRATOR-CUM-RETURNING OFFICER

No.F.1/ARO/HBFCGHS/Elect/2026/ Date: 03.11.2026

Copy forwarded to:

1. All the members of **Hans Bhawan Friends CGHS Ltd. Plot No.6, CBD, East Arjun Nagar, Delhi – 110032**
2. Notice Board of the Returning Officer/Society.
3. The Registrar of Cooperative Societies, Old Court Building, Parliament Street, New Delhi-110001.
4. **SHO, PS Farash Bazar with the request to deploy at least 06(Six) Police personnel(including 02 women constables) on the scheduled date and time as indicated above in the election programme, in the light of Hon'ble High Court order dated 02.11.2026(Copy enclosed).**

(RAM KUMAR SAVANT)
ADMINISTRATOR-CUM-RETURNING OFFICER

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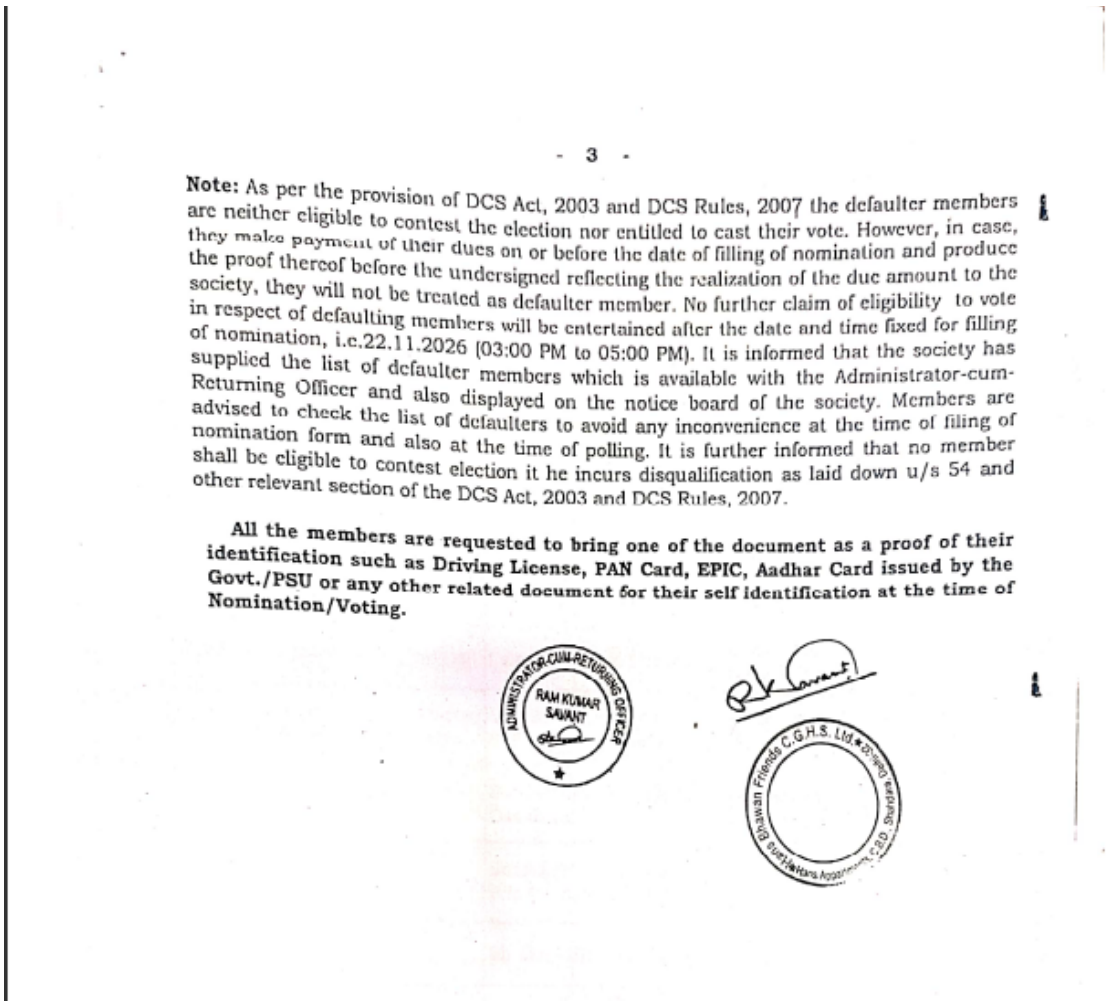

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Note: As per the provision of DCS Act, 2003 and DCS Rules, 2007 the defaulter members are neither eligible to contest the election nor entitled to cast their vote. However, in case, they make payment of their dues on or before the date of filling of nomination and produce the proof thereof before the undersigned reflecting the realization of the due amount to the society, they will not be treated as defaulter member. No further claim of eligibility to vote in respect of defaulting members will be entertained after the date and time fixed for filling of nomination, i.e.22.11.2026 (03:00 PM to 05:00 PM). It is informed that the society has supplied the list of defaulter members which is available with the Administrator-cum-Returning Officer and also displayed on the notice board of the society. Members are advised to check the list of defaulters to avoid any inconvenience at the time of filing of nomination form and also at the time of polling. It is further informed that no member shall be eligible to contest election it he incurs disqualification as laid down u/s 54 and other relevant section of the DCS Act, 2003 and DCS Rules, 2007.

All the members are requested to bring one of the document as a proof of their identification such as Driving License, PAN Card, EPIC, Aadhar Card issued by the Govt./PSU or any other related document for their self identification at the time of Nomination/Voting.

ADMINISTRATOR-CUM-RETURNING OFFICER RAM KUMAR SAWANT

Diwan Friends C.G.H.S. Ltd. Delhi

From the above announced Election Agenda it becomes clear that there exists such a threat to the peaceful conduct of elections that the ARO-III Mr. Sawant has requested the SHO P.S. Farsh Bazar to depute six police personnel including two women constables.

18. Further, the submissions made today have revealed that the Petitioner-Mr. Divya Sharma is actually the wife of Mr. Sanjeev Tomar, who is an advocate himself against whom the directions for registration of FIR were given by this Court *vide* order dated 02nd November, 2026.

19. During the course of submissions on the previous hearing, the Court

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was not informed that the Petitioner is the wife of Mr. Sanjeev Tomar, though in the affidavit to the instant writ petition she is described as the wife of Mr. Sanjeev Tomar.

20. Mr. Sanjeev Tomar's name is also recorded in the appearance as an Advocate for the Petitioner in the previous order.

21. Further, the Court was also not informed that Mr. Sanjeev Tomar, Advocate himself is a member of the Society, his wife is the Petitioner and the allegations made by the ARO-III were against him.

22. Be that as it may, insofar as Mr. Raman Kumar, is concerned, the application claims that the said Applicant had no knowledge of the present writ petition and the adverse findings have been recorded against him in the order dated 02nd November, 2026.

23. The present writ petition has been filed making the ARO-III a party and the Society was duly represented.

24. Mr. Raman Kumar was one of the contestants in the elections and the complaint by the ARO-III was against him. He was not a party to the writ petition though it has now become clear that the Petitioner being the wife of Mr. Sanjeev Tomar, was well known to him. The Petitioner and her counsel ought to have brought all these facts before the Court, which they did not.

25. On the last date, after hearing the parties, in order to ensure that the elections are conducted in a fair and peaceful manner, the detailed directions extracted above were passed vide order dated 2nd November, 2026.

26. Today, Mr. Shashi Pratap Singh has also placed on record certain documents, as received from the AOR-III that there are certain discrepancies in the Bar Council registration of Mr. Sanjeev Tomar, *i.e.*, husband of the Petitioner.

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27. He has also placed the CCTV footage, which has been viewed by the Court. The said CCTV footage also reveals the manner in which the ARO-III was man-handled by both Mr. Raman Kumar and Mr. Sanjeev Tomar. The screenshot from the said CCTV footage is set out below:-





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28. A viewing of the CCTV footage clear shows that the conduct of these two individuals is completely unbecoming of Advocates who are Members of a Society. An obligation rests upon such persons to ensure that the Society functions in a smooth and fair manner and the elections are conducted peacefully. Their conduct is unfortunately to the contrary. The ARO-III being a public servant, could not have been treated with such impunity, by the members of the Society. Clearly, Mr. Raman Kumar, Dr. Divya Sharma as also Mr. Sanjeev Tomar are in collusion with each other and they are fully aware of the order which has been passed by this Court. After perusing the CCTV footage and also after the Court has been informed of the relationship between the Petitioner, Mr. Raman Kumar and Mr. Sanjeev Tomar, this Court is of the opinion that the Applicant is not entitled to any relief. The directions given in the order dated 2nd November 2026 are required to ensure that there is some deterrent against misbehaviour against the Administrator-cum-Returning Officers appointed by the Registrar, Cooperative Societies. Under these circumstances, the prayer for recall of the order is completely meritless.

29. This application is bereft of any merit and is accordingly dismissed.

30. The ARO-III shall proceed in terms of the election agenda dated 09th November, 2026 already issued.

31. Another point of concern is the lack of any action by the SHO of P.S. Farsh Bazar, Shahdara.

32. Mr. Ritesh Kumar Bahri, ld. APP fairly concedes that there has been some dereliction of duty by the SHO and that he is in touch with the SHO of P.S. Farsh Bazar, Shahdara. Mr. Bahri submits that the FIR on the basis of the complaint dated 29th October, 2026, lodged by the ARO-III will be registered by today itself. In view, thereof, no orders are being passed against the SHO

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of P.S. Farsh Bazar, Shahdara, in respect of the non-compliance of the previous order.

33. Application is dismissed with these terms.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 20, 2026/MR/as

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