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

Date of decision: 3rd November, 2026
Uploaded on: 5th November, 2026

\# **CNR No. DLHC010531922026**

\+ **W.P.(C) 16319/2026, CM APPL. 76527/2026, CM APPL. 76528/2026**

SANDEEP WAHAL & ORS. .....Petitioners

Through: Mr. Rohit Modi, Mr. Deepak Tyagi, Mr. Ishaan, Mr. Pranav Negi & Ms. Shreya Bajpayee, Advs.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES & ORS.
.....Respondents

Through: Ms. Urvi Mohan, Mr. Sumit Kumar & Mr. Aakrit Bhargava, Advs. for RCS.
Mr.
Mr. S.K. Sharma, Adv. and Mr. DD Joshi, the President

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 relates to the elections in Respondent No. 2– Akash Bharti, Cooperative Group Housing Society Ltd., Plot No. 24, I.P. Extension, Delhi *(hereinafter, 'the Society').*

3. *Qua* this petition, the Petitioners have sought, *inter alia,* setting aside of orders dated 27th October, 2026 and 30th October, 2026, passed by the Delhi Cooperative Tribunal, as also issuance of directions to the Society to declare the list of defaulters as illegal and permit them to participate in the

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elections which are forthcoming.

4. The background of the case is that the elections to the Society were announced on 3rd October, 2026 by the Returning Officer-Mr. J.P. Sharma, who is stated to be nominated by the present Managing Committee of the Society. The said schedule for the elections of the Society is as under:

ELECTION PROGRAMME

S.NO	PROGRAMME	DATE	TIME	VENUE
1.	Issue of Nomination forms (Free of Cost)	02-11-2026 (Monday)	11:00 AM to 3:00 PM	Society office of the Akash Bharti CGHS Ltd, Plot No-24, I P Ext Delhi - 110092
2.	Filing of Nominations	03-11-2026 (Tuesday)	11:00 AM to 3:00 PM	----do----
3.	Scrutiny of Nomination	04-11-2026 (Wednesday)	11:00 AM	----do----
4.	Display of List of valid Nomination	04-11-2026 (Wednesday)	11:15 AM	----do----
5.	Withdrawal of Nominations	05-11-2026 (Thursday)	11:30 AM to 5:00 PM	----do----
6.	Display of final list of contesting candidates	05-11-2026 (Thursday)	5:15 PM	----do----
7.	Polling, if necessary	15-11 -2026 (Sunday)	11 :00 AM to 04:00 PM	Community Hall of the Society.

5. Certain allegations have been raised by the Petitioners herein, as well as some other members relating to the following aspects:

(a) With respect to the appointment of Mr. J.P. Sharma as the Returning Officer, it is alleged that the said Returning Officer was the client of Mr. DD Joshi (current President of the Society) and his son-Mr. Mayank Joshi. Hence, the said appointment of Returning Officer is vitiated;

(b) A number of members of the Society have been put in the defaulters' list on the ground of non-payment of certain dues, only with a view and intention to prejudice the elections.

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6. The Petitioners had previously approached the RCS by filing various complaints. Thereafter, the Office of the Registrar of Cooperative Societies, GNCTD, *vide* order dated 19th October, 2026 replaced Mr. J.P. Sharma and appointed Mr. Ram Kumar Sawant, Section Officer (Retired) as the Returning Officer for conduct of the elections of the Society.

7. The said order dated 19th October, 2026 passed by the RCS was challenged before the Delhi Cooperative Tribunal *(hereinafter, 'DCT')* by the Society in Appeal No. 184/2026/DCT on the ground that the Society was not heard prior to the appointment of the new Returning officer. Hence, *vide* the impugned order dated 27th October, 2026, the DCT issued notice in the said appeal and stayed the order of the RCS dated 19th October, 2026.

8. The appeal is presently pending before the DCT and vide impugned order dated 30th October, 2026, it has been adjourned to 4th November, 2026.

9. The present writ petition challenges the said two orders of the DCT. The prayer in this petition primarily is that the election of the Society ought to be conducted in a free and fair manner and since the members of the Society do not have faith in Mr. J.P. Sharma- the Returning Officer appointed by the Managing Committee, the new Returning Officer appointed by the RCS- Mr. Ram Kumar Sawant, who is an independent person, ought to be permitted to conduct the election.

10. The other submission on behalf of the Petitioners is that the creation of the list of defaulters is also with a view to hijack the election itself, as the main ground on which the said defaulters are being declared is that the generator set charges and solar charges, as also some 'other' charges have not been deposited by the members.

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11. The matter was heard by the Court in the supplementary list this morning and was passed over to enable the Society to appear. Mr. Sharma, ld. Counsel for the Society and Mr. Joshi, the President of the Society have entered appearance.

12. Their stand is that insofar as the DG and solar set charges are concerned, this Court *vide* order dated 9th April, 2026 in ***W.P.(C)3302/2026*** titled ***Sandeep Wahal & Ors. v. The Registrar of Cooperative Societies & Anr.*** had directed the complaints filed by the Petitioners to be disposed of by the RCS by 15th June, 2026. However, the RCS has finally decided the said issue on 16th October, 2026 wherein the RCS has permitted the Petitioners to raise the dispute under Section 70 of the Delhi Co-operative Societies Act, 2003 in this regard.

13. Mr. Joshi also submits that Mr. J.P. Sharma is not his client, but of his son Mr. Mayank Joshi, who is a lawyer, and at the time when his son was representing Mr. J.P. Sharma, he was not holding any position in the Managing Committee of the Society.

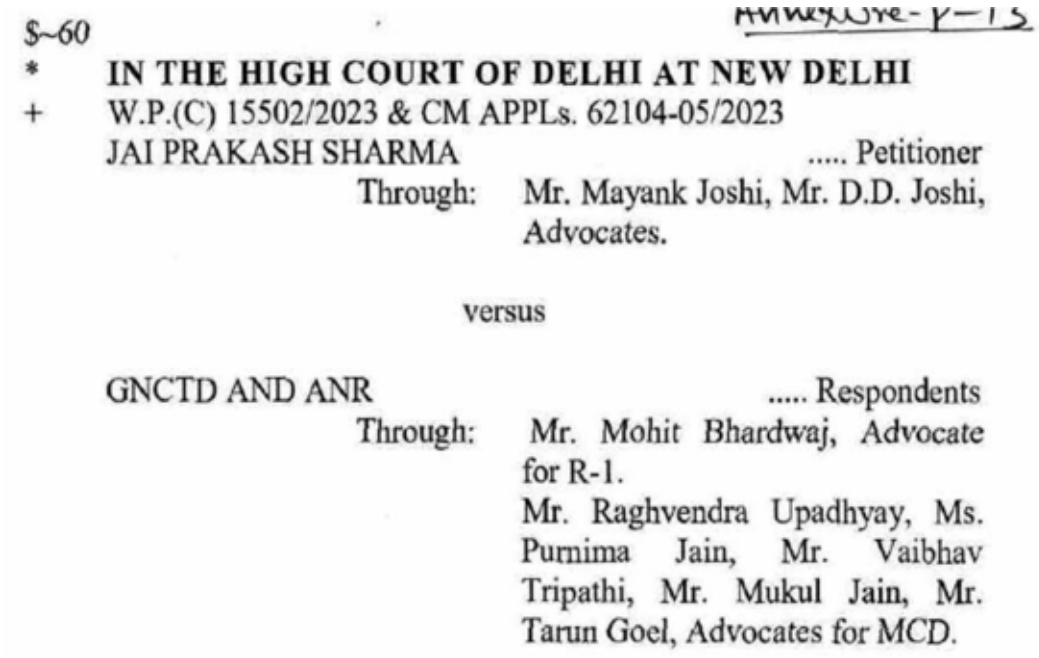
14. Mr. Mohan, ld. Counsel submits on behalf of the RCS that the RCS has changed the Returning Officer vide its order dated 19th October, 2026 in order to ensure that the elections are conducted in a transparent manner and the DCT's order dated 27th October, 2026, to the extent that it stays the order of appointment by RCS, would not be tenable.

15. The Court has heard the ld. Counsels for the parties. In the first place, any Returning Officer who is appointed for conduct of an election has to be completely above board and any relationship with the President or other office bearer of the Managing Committee, including of a lawyer-client relationship

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would raise doubts as to the impartiality of the Returning Officer.

16. The justification given by Mr. Joshi that his son was the lawyer for Mr. J.P. Sharma is belied by the order dated 1st December, 2023 in a writ petition filed by Mr. JP Sharma (Mr. Jai Prakash Sharma) being ***W.P.(C) 15502/2023*** where the appearance of both, Mr. Mayank Joshi and Mr. DD Joshi is recorded as under:



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

\+ W.P.(C) 15502/2023 & CM APPLs. 62104-05/2023

JAI PRAKASH SHARMA ..... Petitioner

Through: Mr. Mayank Joshi, Mr. D.D. Joshi, Advocates.

versus

GNCTD AND ANR ..... Respondents

Through: Mr. Mohit Bhardwaj, Advocate for R-1.

Mr. Raghvendra Upadhyay, Ms. Purnima Jain, Mr. Vaibhav Tripathi, Mr. Mukul Jain, Mr. Tarun Goel, Advocates for MCD.

17. Clearly, therefore, there would have been an issue as to the impartiality of the Returning Officer. Thus, the RCS was fully justified in nominating another Returning Officer *vide* its order dated 19th October, 2026.

18. Insofar as the second issue *i.e.* the payment of the DG set and solar system charges are concerned, the Petitioners were under an obligation to disclose the order dated 16th October, 2026 passed by the RCS pursuant to order dated 9th April, 2026 passed by this Court in ***W.P.(C)3302/2026.*** However, for whatever reason it chose not to bring the same before the Court and even no submission was made that such an order was passed. This is also

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misleading and misrepresentative in nature and this Court expresses disapproval of the Petitioners' conduct in this regard.

19. Be that as it may, the election of the Society has to be conducted in terms of the election programme which has been issued on 3rd October, 2026. The said programme extracted above would show that for the filing of nomination forms, the last date would be 3rd November, 2026 *i.e.*, today.

20. Accordingly, it is directed that the Returning Officer appointed by the RCS vide its order dated 19th October, 2026- Mr. Ram Kumar Sawant, shall issue the nomination forms to all the members who wish to file the nomination for the elections.

21. Insofar as the defaulters' list is concerned, all the 55 persons mentioned in the said list, which is annexed as "Annexure P-6" to this petition shall make the requisite payments to the Society on or before 10th November, 2026. Subject to said payment being made, the members would be permitted to participate in the election process, including the filing of nominations and voting, if any.

22. The payment insofar as the DG set and the solar charges is concerned, which may be deposited by the members, shall be subject to the outcome of the arbitration proceedings, if any, which the members may avail of in terms of Section 70 of the Delhi Co-operative Societies Act, 2003.

23. It is made clear that all the members who make the requisite payment as per the deadline fixed today, shall be permitted to file their nominations, and also participate in the elections as members of the Society.

24. The Returning Officer-Mr. Ram Kumar Sawant shall make a video recording of the election on 15th November, 2026 and declare the results on the same date.

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25. It is made clear that no member shall obstruct the election process in any manner.

26. The members against whom dues of maintenance, parking, DG and solar set charges are pending shall all be cleared in terms of this order. Insofar as the charges under the category of `Others' are concerned, the same being quite ambiguous, at this stage, no orders are passed for payment of the same by the Members.

27. The impugned orders dated 27th October, 2026 and 30th October, 2026 passed by the DCT are accordingly set aside.

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 3, 2026
dj/ss

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