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

Date of decision: 6th July, 2026

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+ **W.P.(C) 8790/2026 & CM APPL. 41203/2026, CM APPL. 41204/2026**

THE PATEL CGHS LTD & ORS.Petitioners

Through: Mr. Shiv Charan Garg, Adv.

versus

REGISTRAR COOPERATIVE SOCIETIES

& ORS.

....Respondents

Through: Mr. Dhruv Rohatgi, Mr. Dhruv
Kumar and Mrs. Chandrika Sachdev,
Adv. for R-1.
Mr. Rajiv Vig, Adv. for R-2 and 3.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. The present hearing has been done through hybrid mode.

CM APPL. 41203/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 8790/2026 & CM APPL. 41204/2026 (for stay)

3. The present petition has been filed by the Petitioner - The Patel CGHS Ltd. (*hereinafter 'the Society'*) along with the Managing Committee under Articles 226 and 227 of the Constitution of India, assailing the impugned order of the Delhi Co-operative Tribunal (*hereinafter 'DCT'*) dated 12th May, 2026 in *Appeal No. 025/2026/DCT* arising out of award dated 12th January, 2026 passed in *Arbitration Case No. 34/GS/DR/ARB/2024-2025* passed by



the Id. Arbitrator.

4. A brief background of the present case is that the Society is registered under the Delhi Co-operative Societies Act, 2003 (*hereinafter*, 'DCS Act'). The Managing Committee of the Society had been elected, and the term of the said Managing Committee was expiring on 12th June, 2024.

5. Pursuant thereto, a Returning Officer was appointed by the Registrar of Cooperative Societies (*hereinafter* 'RCS') and elections were conducted. Thereafter, a new Managing Committee was elected, which consisted of Petitioner Nos.2 to 9 herein.

6. However, the aforesaid elections came to be challenged before the RCS, under Section 70 of the DCS Act.

7. The RCS admitted the matter and referred it for adjudication to the Arbitrator, under Section 71 of the DCS Act.

8. Thereafter, the award was passed by the Id. Sole Arbitrator on 12th January, 2026. The findings of the Id. Arbitrator in the said award are as under:

- i) That one of the members *i.e.*, Mrs. Anju Bajaj, who was permitted to vote, was in fact a defaulter;
- ii) That there were various irregularities during the process of the elections, where the candidates were interfering in the voting;
- iii) There was canvassing by candidate, which was taking place at the time of the voting and the secrecy of the ballot was not properly maintained;
- iv) That Rule 53 of the DCS Rules, 2007 was violated which prohibits canvassing by candidates, at the venue where the elections are to be conducted;



- v) That the entire election process was not videographed, as was required to be done.
9. Thus, the arbitrator held that the elections cannot be sustained and the same was set aside, *vide* the award dated 12th January 2026.
10. The said award was challenged before the DCT. *Vide* the impugned judgement, the DCT came to the conclusion that the award does not require to be interfered with. In fact, the DCT also observed as under:

*“8. The argument of Sh. Rajiv Vig, ld. counsel for the respondents/ claim petitioners that sanctity of the polling booth and the voting area was vitiated by the presence of candidates, is supported by the photographs placed on record. Though, it is the case of claim petitioners that the entire photography or the videography has not been placed on record by the RO. **Nonetheless, the photographs which are already on record and admitted by the appellants, demonstrate that it was a free for all where everybody had access to the prohibited areas. Presence of family members with the voter, while marking the ballot and inserting the ballot in the ballot box is violative of the basic principle of confidentiality of vote. The explanation that the voters were old and infirm though not justifiable, however is compounded by the fact that in many cases the voters are seemingly fit and not old or infirm.** The written submissions made by appellant Laxmi Narayan Gupta, wherein he has argued that reference may be made to photographs placed on record by them cannot be appreciated as only the photographs which were before the Ld. Arbitrator or which were placed on record by the Returning Officer can be looked into. No new photographs, which were not considered by the Arbitrator can be permitted to be placed on record or appreciated by the Appellate Tribunal, in the absence of any application seeking to place them on record. **In any case the violations are patent and apparent from the photographs placed on record by the claim***



petitioners and duly appreciated by the Arbitrator. As they say a picture speaks more than a thousand words, therefore, the appreciation of photographs makes out the case of the claim petitioners that the election process was vitiated. Presence of candidates overlooking the marking of ballots amounts to influencing the voter which is even worse than canvassing till the last stage. Tribunal is thus of the view that the entire election process was vitiated by the presence of candidates in the voting arena and very close to the ballot boxes. The same is violative of Clause 12 & 15 of the Schedule II attached to Rule 53 of the DCS Rules, 2007. For ready reference, relevant clauses are reproduced hereinbelow:-

“12. Canvassing of votes by any person at the place where elections are to be conducted shall be prohibited.

13.....

14.....

15. Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the members can record their votes in secrecy. ”

Ld. Arbitrator has recorded a categorical finding that the election was vitiated for violation of the aforesaid two clauses. Thus, there is no illegality or irregularity committed by the ld. Arbitrator in setting aside the election.

9 Therefore, the Tribunal does not find any merits in the appeal, the same is dismissed. The Award dated 12.01.2026 passed by Sh. G. S. Aggarwal, Ld. Arbitrator is upheld. No order as to costs. A copy of this judgment be sent to the RCS, with directions to appoint a Returning Officer, forthwith to hold fresh elections in the appellant/ Society i.e. The Patel CGHS Ltd.”

As per the DCT, there were various irregularities in the elections which were conducted such as –



- Candidates overseeing marking of ballots;
- All persons including candidates and their representatives had access to the prohibited areas;
- Family members of the voters were present with them while marking the ballot and inserting the same in the ballot box. Such family members accompanying old and infirm voters may be explained but is inexplicable in case of healthy and fit voters;
- The photographs themselves were clear to the effect that candidates were looking over the ballot papers when the voters were marking them – which was nothing but an attempt to influence the voters.

Thus, as per the DCT, the election was totally vitiated and hence the Award was upheld by the DCT.

11. The Managing Committee and Society have now challenged the impugned order of the DCT in the present petition.

12. The Court has heard Mr. Garg, Id. Counsel for the Petitioner and Mr. Rajiv Vig, Id. Counsel for Respondent Nos. 2 and 3. The Court has also perused the photographs which have been placed on record.

13. The photographs do show, that in some of the images, the candidates are present, at the time, when the members are voting.

14. In certain cases, members, particularly senior citizens, were assisted by their family members, while casting their votes. In some other instances, the domestic staff of the members were found to have participated in the voting process. Such acts would constitute clear irregularities in the conduct of the election.

15. Further, Id. Arbitrator has also recorded that the complete videography of the election process was not placed on record. These are essentially factual



issues, which have been examined in detail by both the Id. Arbitrator and the DCT. In the exercise of writ jurisdiction, this Court would not ordinarily interfere with such concurrent factual findings, unless the same are shown to be perverse, arbitrary, or suffering from manifest illegality.

16. A new Returning Officer *i.e.*, Mr. Rajesh Sakkarwal, ADHOC-DANICS (Retd.), has already been appointed by the RCS.

17. Moreover, the present Managing Committee which has challenged the impugned order, has also been holding office since 2024 and more than two years out of the three years term has already lapsed.

18. Under these circumstances, let the fresh elections be held by the Returning Officer, in accordance with the DCS Act and Rules. The Petitioners shall cooperate in the conduct of elections in a free and fair manner.

19. No further directions are required to be passed in the present matter.

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

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

JULY 6, 2026

Rahul/sm