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

Date of Decision: 24th April, 2026

Uploaded on: 29th April, 2026

+ **W.P.(C) 5530/2026 & CM APPL. 27086/2026, CM APPL. 27087/2026**

MR ARVIND PRABHAKAR & ORS.Petitioners

Through: Mr. C S Gupta and Mr. Nilay Gupta
Advocates.

versus

LIEUTENANT GOVERNOR OF DELHI & ORS.Respondents

Through: Mr. Shashi Pratap Singh and Ms.
Shagun Sabharwal, Advs. for R-1 to 3
(M: 9560536975).

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 Petitioners under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking directions to Respondent No. 2 and 4 to conduct the elections of the Society expeditiously.
3. The brief background of the present case is that, Petitioners are registered members of the Jai Lakshmi Co-operative Group Housing Society Limited, Plot No. 59, IP Extension Patparganj, Delhi-110092 (*hereinafter, 'the Society'*).
4. It is the case of the Petitioners that the term of the erstwhile Managing Committee of the Society had expired on 30th July, 2024 and Mr. M.K Gupta was appointed as the Administrator/Returning Officer to manage the affairs



of the Society *vide* order dated 18th September, 2024 passed by the Registrar Co-operative Societies (*hereinafter*, 'RCS'), for 90 days.

5. Pursuant thereto, the election agenda notice dated 7th February, 2025 was circulated by the then Administrator/Returning Officer and elections were fixed from 14th February, 2025 to 9th March, 2025. Nominations were received and the election results were displayed on 9th March, 2025.

6. In the said elections, only 3 persons were elected to be a part of the Managing Committee of the Society. The remaining nominations of the members were considered to be defective and the same were rejected.

7. On 17th March, 2025, the term of the Administrator/Returning Officer *i.e.*, Mr. M. K. Gupta expired.

8. Accordingly, another Administrator/Returning Officer *i.e.*, Mr. Rakesh Kumar Gaur, was appointed by the RCS on 9th April, 2025. However, he refused to join. Pursuant thereto, Mr. Subhash Gupta was appointed as Administrator/Returning Officer, however, he also had expressed his inability to join.

9. Thereafter, the RCS appointed Mr. Kewal Singh, IPS, and a retired Joint Commissioner of Police as the Administrator/Returning Officer, *vide* order dated 6th May, 2025.

10. Various disputes arose between the members of the Society and the newly appointed Administrator/Returning Officer *i.e.*, Mr. Kewal Singh, in the manner in which he was conducting the affairs of the Society. There were allegations of misappropriation of funds, misconduct and misbehaviour against him.

11. The Petitioners made multiple representations to the RCS, seeking removal of Mr. Kewal Singh.



12. Further, after considering the allegations against Mr. Kewal Singh, Mr. Deepak Bharadwaj was appointed as the Administrator/returning Officer of the Society *vide* order dated 5th August, 2025. According to the Petitioners, the new Administrator has been repeatedly requesting the RCS concerned to open the office of the Society, since the earlier Administrator/returning officer *i.e.*, Mr. Kewal Singh had refused to hand over proper charge.

13. Thereafter, representations were filed by Mr. Deepak Bhardwaj *i.e.*, present Administrator/Returning Officer to RCS to hand over the charge from Mr. Kewal Singh. The RCS then directed the concerned SDM to break locks of the Society and handover the charge, so that the election process can take place.

14. Since then, the Petitioners have visited the office of the RCS as also the SDM office, requesting to expedite the process of the conduct of the elections.

15. Ld. Counsel for the Petitioners submits that despite repeated visits to the SDM's office, no action has been taken for expediting the conduct of elections of the Society.

16. Ld. Counsel for the Respondent Nos. 1, 2 and 3 submits that there was a delay in dealing with the matter by the concerned SDM. It is further submitted that the SDM has *vide* order dated 23rd April, 2026 directed that the proceedings for break-opening the locks and seizure of the records/properties of the Society be conducted on 28th April, 2026 at 3:00 p.m. In addition, the following directions have also been issued:

“Dated: 23/04/2026-

ORDER

WHEREAS, the Divisional Commissioner, Govt. of NCT of Delhi, in exercise of the powers conferred under



Section 38(1)(c) of the Delhi Co-operative Societies Act, 2003, has authorized the undersigned to enter, search, and if necessary, break open the premises of Jai Laxmi CGHS Ltd., Plot No. 59, I.P. Extension, Patparganj, Delhi-110092

AND WHEREAS, the purpose of this authorization is to secure and seize the records and properties of the said Society and to cause delivery of the same to the Administrator appointed by the Assistant Registrar (Housing Section-III).

NOW, THEREFORE, it is hereby ordered that the proceedings for the break-opening and seizure of records/properties shall be conducted as per the following schedule:

Date of Execution: 28.04.2026

Time: 03:00 PM

Venue: Jai Laxmi CGHS Ltd., Plot No. 59, I.P. Extension, Patparganj, Delhi-110092.

In view of the above, the following directions are issued:

i) Administrator, Jai Laxmi CGHS Ltd. is directed to be present at the site to take over the seized records and properties immediately upon completion of the proceedings.

ii) The Station House Officer (SHO), P.S. Madhu Vihar/Patparganj is directed to provide necessary police assistance and ensure adequate force (including female staff) is present to maintain law and order during the proceedings.

iii) The Tehsildar/Executive Magistrate (Vishwas



Nagar) shall ensure the presence of videographer to maintain a complete video record of the entire proceedings as mandated.

iv) Expenditure: As per Section 38(3) of the Act, all expenses incurred during these proceedings (locksmith, videography, etc.) shall be borne out of the funds of the Society.”

17. Since the concerned SDM has now taken cognizance of the matter and has passed appropriate orders, it is directed that the term of the present Administrator/Returning officer *i.e.*, Mr. Deepak Bhardwa shall be renewed by the RCS within one week. Let the order passed by the RCS dated 23rd April 2026, be given effect to and the office be opened. All the records shall now be under the control of the new Administrator.

18. Further, the said Administrator/Returning officer, after taking over of the charge of the Society, shall proceed in accordance with law and conduct the elections in terms of the timelines prescribed as per Delhi Co-operative Societies Act, 2003 and Delhi Co-operative Societies Rules, 2007.

19. The outer limit for conducting of the elections and declaration of results is fixed as **30th September, 2026**.

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

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 24, 2026/MR/SM