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

+ **W.P.(C) 11799/2019 & CM APPLs. 48379/2019, 53842/2019, 11041/2024, 12666/2024, 13270/2024, 13271/2024, 13272/2024, 22836/2024 & 40898/2024**

SURAJMAL MEMORIAL EDUCATION SOCIETY (REGD.) AND
ORS.Petitioners

Through: Mr. Saurabh Mishra, Sr. Adv. with
Mr. Devesh Pratap Singh, Adv.

versus

GOVT. OF NCT DELHI AND ORS.Respondents

Through: Ms. Mehak Nakra, ASC (Civil),
GNCTD with Mr. Umang Aditya and
Mr. Devansh Solnaki, Advocates for
R-1
Mr. Kirti Uppal, Sr. Adv. with Mr.
Harsh Dahiya, Mr. Hirein Sharma,
Mr. Archisha and Mr. Bhavishya
Mehra, Advs. for R-6 & 7
Mr. N.S. Dalal, Ms. Nidhi Dalal, Mr.
Alok Kumar, Ms. Rachana Dalal, Ms.
Sweta Kadyan and Mr. Karan Mann,
Advs. for Applicant
Mr. Vaibhav Singh, Adv. for
Intervener

+ **W.P.(C) 12195/2019 & CM APPLs. 49844/2019, 13295/2024 13296/2024 & 13297/2024**

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CORAM:

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR
KAURAV**

ORDER
22.07.2024

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1. On 06.03.2024, this Court has passed the following directions:-

15. Consequently, the following directions are issued:

“(i) Mr. Justice (Retd.) Permod Kohli, Former Chief Justice, Sikkim High Court (Mobile No.:9622141111) is appointed as the “senior observer” for overseeing the conduct of elections, and specifically tasked with conducting a comprehensive audit/ review of the electoral roll/ voters list, so as to ensure that the same is free from discrepancies/ inclusion of ineligible persons. Adequate measures shall also be taken and put in place to obviate the possibility of any fake voting/ impersonation. The observer appointed vide order dated 27.9.2023, as also the incumbent returning officer/s, shall assist the senior observer for the purpose of the aforesaid exercise. The senior observer shall also be at liberty to avail the services of appropriate experts for the aforesaid exercise, at the cost of the Petitioner society.

(ii) Keeping in view the necessity to expeditiously conclude the



election process qua the Petitioner, an endeavour shall be made to conclude the aforesaid exercise within 4 weeks. In the meantime, the polling/ election process shall remain deferred.

(iii) Once the electoral roll/ voters list has been finalised, the same shall be placed before the Court, alongwith a report of the senior observer, whereupon the revised election/ polling schedule shall be drawn up.

(iv) For the purpose of the aforesaid exercise, the senior observer would grant an opportunity of hearing, and consider the objection/s of any interested person/s who have any grievance as regards the electoral roll/ voters list.

(v) The senior observer shall fix his remuneration, in consultation with the petitioner society.”

2. In pursuance of the directions passed by this Court, Mr. N.P. Kaushik, Observer has placed on record the report which is stated to have been finalised by the Observer and the Senior Observer. A copy thereof has already been furnished to all the appearing parties.

3. Mr. Saurabh Mishra, learned Senior Counsel appearing on behalf of the petitioners and Mr. N.S. Dalal, learned counsel appearing on behalf of some of the interveners seek time to place on record their objections with respect to the report of the Observers. Let the same be done within a period of two weeks.

4. Bearing in mind various directions passed by this Court from time to time, the Court realises that the election of the Society in question must take place on an early date.

5. Learned counsel appearing on behalf of the parties, on instructions, have also consented and readily agreed with respect to the view expressed by the Court. They also submitted that even on earlier dates as well, the parties expressed their willingness for an early conduction of the election. They, however, submit that on account of serious objection with respect to the observations made in the Observer report, their rights would be



adversely affected. They are mainly aggrieved by the following observations in the Observer's report :-

'The Election Team is strongly of the view that the enrolments made on 24th, 25th, 26th, and 27th July, 2013 are suspicious in nature. The election team, therefore, recommends for deletion/removal of all the 810 enrolments made on these four (4) dates.'

6. After making brief submissions, the parties have arrived at a consensus that without prejudice to their rights and contentions with respect to the observations made in the Observer's report, the election can still be conducted. The stand taken by the appearing parties is appreciated.
7. In view of the aforesaid, without prejudice to the rights and contentions raised by learned counsel for the respective parties, it is directed that the Observer and the Senior Observer to finalise the election schedule excluding 810 enrolments made on 24th, 25th, 26th, and 27th July, 2013.
8. Let the election schedule be also placed on record on the next date of hearing.
9. List on 31st July, 2024.
10. *Dasti.*

PURUSHAINDR KUMAR KAURAV, J

JULY 22, 2024

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