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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, 43260/2024, 43167/2024, 43158/2024

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

Through: Mr. Saurabh Mishra, Sr. Advocate
with Mr. Devash Pratap Singh,
Advocate.

versus

GOVT. OF NCT DELHI AND ORS.Respondents

Through: Ms. Mehak Nakra, ASC alongwith
Mr. Umang Asitya Singh, Mr.
Devansh Solanki, Advocates.
Mr. Kirtiman Singh, Mr. Ranjeet
Khatana, Advocates.
Mr. N.S. Dalal, Mr. Alok Kumar, Ms.
Nidhi Dalal, Ms. Rachna Dalal, Ms.
Sweta Kadyan, Mr. Karan Mann,
Advocates for intervener.

+ **W.P.(C) 12195/2019 & CM APPLs. 49844/2019, 13295/2024,**
13296/2024, 13297/2024
SURAJMAL MEMORIAL EDUCATION SOCIETY AND ORS

.....Petitioners
Through: Mr. Saurabh Mishra, Sr. Advocate
with Mr. Devash Pratap Singh,
Advocate.

versus

GOVT. OF NCT DELHI AND ORS.Respondents

Through: Mr. Kirtiman Singh, Mr. Ranjeet
Khatana, Advocates for R-6 & 7.



Mr. N.S. Dalal, Mr. Alok Kumar,
Ms.NidhiDalal, Ms. Rachna Dalal,
Ms.SwetaKadyan, Mr. Karan Mann,
Advocates for intervenor.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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31.07.2024

1. Learned observer has placed on record a report pursuant to directions passed by this Court on 30.02.2024. Let a copy of the said report be furnished to all the appearing parties.
2. Before finalisation of the schedule of the election submitted by the learned Observer, learned counsel who appears for respondent nos. 6 & 7 submits that he would like to interact with the Observer with respect to certain objections regarding membership of some of the members. He, however, submits that since important record was not made available to him, therefore, necessary steps to raise objections could not be taken timely.
3. The Court, on 22.07.2024, has passed a consent order and no such objections were raised by learned counsel who appeared for respondent no.6 & 7. It is also noteworthy that even prior to passing of the order dated 22.07.2024, the Court directed for supply of the learned Observer's Report in terms of order dated 09.07.2024 to all appearing parties.
4. Respondent nos.6 and 7 in their CM APPLs. bearing nos.43158/2024, 43260/2024 & 43167/2024 have prayed as under:

"CM APPL 43158/2024

(a) Pass an order thereby deleting/removing 810 illegal enrolments as recommended by the Observers in their Report of Observers.

b) Pass an order thereby directing the Petitioners and Observers to bring on record the original Membership Register, all subsequent



Membership Lists of the society.

c) Pass an order thereby directing an inquiry into the validity of the membership of Shri Kaptan Singh and Smt. Sushila Singh. d) Pass an order that till the time, the Hon'ble Court appoints an AdHoc Managing Committee, the administration control and day-today working may be put on hold till further orders are passed by this Hon'ble Court, in the interest of justice.

e) Pass an order thereby relieving Shri NP Kaushik and Returning Officer Shri Chakraborty of their duties in the election of the society. f) Pass any other such order as this Hon'ble Court may deem fit just and proper in the present facts and circumstances of the case.

CM APPL 43260/2024

a) Pass an order thereby cancelling the memberships of Shri Kaptan Singh, Smt. Sushila Singh, Shri Aniket Tomar, Shri Virender Singh, and Shri Lokender Singh.

b) Pass any other such order as this Hon'ble. Court may deem fit just and proper in the present facts and circumstances of the case.

CM APPL 43167/2024

a) Pass an order appointing an Ad-Hoc Managing Committee to oversee the daily affairs of the society and to conduct elections in free and fair manner in the interest of justice.

b) Pass any other such order as this Hon'ble Court may deem fit just and proper in the present facts and circumstances of the case.”

5. The principal prayer raised in the aforesaid applications seems to be exclusion of 810 members which has already been done with the consent of the parties.

6. The Court, at this stage, is of the *prima facie* opinion that the election schedule submitted by the learned Observer must be adhered to. However, in order to deal with the arguments made by the learned counsel appearing for respondent nos.6 & 7, without prejudice to the rights and contentions of the parties, respondent nos.6 and 7, either personally or through their representatives, shall meet the Observer during the course of the day and raise necessary objections. This is being ordered to assuage all possible apprehensions in the fairness of the election process.



7. Learned Observer, in turn, undertakes to deal with the same and to revert back to the Court so as to apprise whether those objections have any substance or the same have to be rejected. Let the learned Observer and Senior Observer to also independently suggest any further direction which they may find necessary to be issued to maintain the sanctity of the proposed elections. Let the learned Observer to place a report in that respect on record before the next date of hearing.
8. List on 07.08.2024.
9. Interim order to continue till the next date of hearing.

PURUSHAINDR KUMAR KAURAV, J

JULY 31, 2024/KG