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

+ **W.P.(C) 19624/2025**

MR VINOD KUMAR & ORS.

.....Petitioners

Through: Mr. Deepak Kohli, Mr. Rishi Vohra,
Mr. Shaikh Bakhtiyar and Mr. Aditya
Ranjan, Advocates.

versus

**REGISTRAR DELHI CO OPERATIVE SOCIETY
& ORS.**

.....Respondents

Through: Mr. Sameer Vashisht, Standing
Counsel (Civil), GNCTD with Ms.
Harshita Nathrani, Ms. Khushboo
Mittal and Mr. Swapan Singhal,
Advocates for R-1 and R-3.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **23.12.2025**

CM APPL. 81996/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of accordingly.

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3. The submissions of counsel for the petitioners are that neither under Section 31, nor under Section 35 of the *Delhi Co-operative Societies Act, 2003* (hereinafter referred to as '**the Act of 2003**'), the petitioners could have been disqualified/ considered ineligible from contesting the elections of the Managing Committee of the respondent-Society, particularly when such powers are not vested in the Administrator-cum-Returning Officer.



4. It is claimed that, at the most, under Sub-Section (2) of Section 31 of the *Act of 2003*, the Returning Officer could have recovered the charges of election from the petitioners, however, in any case, they cannot be debarred or can be held ineligible for contesting the election.
5. Similarly, it is claimed that the scheme under Section 35 of the *Act of 2003* cannot be attracted to the facts of the present case, as the impugned order cannot be based on the scheme of Section 35 of the *Act of 2003*.
6. Issue notice to all the respondents, returnable in six weeks.
7. *Mr. Sameer Vashisht*, learned Standing Counsel, waives notice for respondent nos.1 and 3.
8. We direct that the affidavit of respondent no.3 be placed on record in light of the aforesaid submissions.
9. Re-notify on 25th March, 2026.
10. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

DECEMBER 23, 2025/ay/as