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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CO.PET. 704/2014**
SH. AMARPREET SINGH OBEROI & ORS. Petitioners
Through

versus

M/S A. N. BUILDWELL PVT. LTD. Respondent
Through **Mr.Kunal Sharma, Adv. for the OL.**
Mr.Vivek Kohli, Mr.Sandeep
Bhuraria, Ms.Perna Kohli and
Ms.Suhani Dhingra, Advs. for
Ex.Directors.
Mr.Sharad Bansal and Mr.Akash
Chatterjee, Advs. for applicant in CA
3038 to 45
Mr.Sandeep Aggarwal, Sr.Adv. with
Ms.Pooja Jain, Adv. for applicant.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH
ORDER
% **11.01.2019**

CA No.30/2019

1. This application is filed by the applicant seeking to clarify that the third option of “for, with modifications” would be available to the allottees of Blocks B, C and D on the ballot papers/voting slips for the meeting which is to be held on 14.01.2019 at Plot No.CP-04, Sector-8 (Spire Edge Project), IMT Manesar, Gurgaon, Haryana at 12 p.m. pursuant to the order of the Division Bench dated 11.12.2018.
2. The grievance of the applicant is that in the Proxy Form three options are given, namely, ‘approval of the scheme’, ‘rejection of the scheme’ and



‘approval with modification’. However, it is pleaded that as per information received in the meetings taking place for other groups so far option ‘approval with modification’ is concerned, the same has not been inserted.

3. The learned counsel for Ex. Management states that the persons who are approving the scheme with objections have been allowed to staple the objections on ballot papers. He submits that ballot papers are in possession of the chairman of the meeting.

4. The learned senior counsel appearing for the applicant, however, states that there is an apprehension that this staple document may be tempered or lost. He also submits that the voters will be allowed to exercise their option to ‘acceptance of the scheme with modifications’.

5. Let the voter who proposes the choice “approval with modification” staple the proposed modifications with the ballot papers. The Chairman/Co-Chairman will ensure that such document if stapled on ballot papers is not tempered with.

6. The Chairman/Co-Chairman will also take into consideration Proxy Form received irrespective whether revenue stamp is affixed on it or not. The scanned copy for persons residing outside Delhi will also be accepted.

7. Application stands disposed of.

8. A copy of this order be given *dasti* under the signatures of the court master.

JAYANT NATH, J.

JANUARY 11, 2019/v