

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4420 OF 2010  
(Arising out of SLP(C)No.15061 OF 2009)

ASHOK SINGH & ANR.  
S

.....APPELLANT

VERSUS

DELHI GOVT.OFFICERS COO.HNG.STY.LD.& ORS  
S

.....RESPONDENT

O R D E R

Leave granted.

This appeal is directed against order dated 28.05.2009 passed by the Division Bench of Delhi High Court whereby a retired Judge of that court was appointed as observer to

supervise the election process of Delhi Government Officers Co-operative Group Housing Society Ltd (for short, 'the Society').

We have heard learned counsel for the parties and perused the record and also gone through the provisions of the Delhi Co-operative Societies Act, 2003 (for short, 'the Act').

The Society and one Shri Ashok Richhariya filed Civil Writ Petition

No.8635 of 2009 against order dated 2.4.2009 passed by the Financial Commissioner, Delhi in Case No.248/2008 whereby the concerned officer set aside order dated 6.11.2008 of Registrar and directed him to take appropriate action

accordance with law for conducting free and fair elections to the

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Society.

The Division Bench of the High Court did not examine the

legality and the correctness of the order passed by the Financial Commissioner, ignored the fact that the Registrar had appointed one Shri N.L. Sethi as Returning Officer for conducting election to the Society and appointed Justice Manju Goel, a retired Judge of Delhi High Court as an observer to supervise the election process.

In our opinion, the High Court did not have the jurisdiction to appoint a retired Judge as an observer to supervise the election process ignoring the statutory provisions contained in the Act which authorizes the Registrar alone to appoint or nominate an officer for the purpose of conducting the election.

In the result, the appeal is allowed and the impugned order is set aside.

.....J.  
( G.S.SINGHVI )

.....J.  
( ASOK KUMAR GANGULY )

NEW DELHI;  
MAY 10, 2010.

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ITEM NO.62

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15061/2009

(From the judgement and order dated 28/05/2009 in WPC No.  
8635/2009 of The HIGH COURT OF DELHI AT N. DELHI)

ASHOK SINGH & ANR. Petitioner(s)

VERSUS

DELHI GOVT.OFFICERS COO.HNG.STY.LD.& ORS Respondent(s)

(With appln(s) for directions and vacating stay and with prayer for interim relief)

Date: 10/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Suresh Chandra Tripathy,Adv.

For Respondent(s) Mr.M.N.Krishnamani, Sr.Adv.

Mr.Rajendra Prasad, Adv.  
Mr. Rajeev Kumar Bansal,Adv.

Mr.Mohan Jain, ASG  
Ms.Niranjana Singh, Adv.  
Ms.Rohini Mukherjee, Adv.  
Ms.Ragni Mukherjee, Adv.  
Mr.D.K.Thakur, Adv.  
Mrs. Anil Katiyar,Adv.

Mr. Debasis Misra,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master

( Signed order is placed on the file )