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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 27th July, 2026

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+ W.P.(C) 10317/2026, CM APPL. 47800/2026 & CM APPL.
47801/2026

RAJENDRA SINGH BENIWAL AND ORSPetitioners

Through: Mr. Lohit Kumar Bimal, Mr. Raghav
Bimal and Mr. Sumit Jain, Advs.

versus

THE REGISTRAR OF CO-OPERATIVE SOCIETIES
AND ORS

.....Respondents

Through: Mr. Shashi Pratap Singh, Ms.
Anamika Tyagi, Ms. Laqshyaa Saluja,
Advs. for R-1 and R-2/RCS.
Ms Puja S Kalra, Adv. for MCD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners under Article 226 of the Constitution of India, *inter alia*, assailing the order dated 25th June 2026 bearing **F No. 107704781/RCS/S-4/2023/2501** (hereinafter, '*impugned order*') passed by the Registrar Cooperative Societies (hereinafter, '*RCS*').
3. The case of the Petitioners is that the Petitioners were the office bearers in the Outgoing Managing Committee of the Maharishi Dayanand Co-operative Group Housing Society Ltd. (hereinafter, '*Society*'). The grievance



of the Petitioners is that the elections to the Managing Committee of the Society have been announced, however, the Petitioners have been de-barred from contesting the said elections.

4. Ld. Counsel for the Petitioners submits that the impugned order which was passed on 25th June, 2026 was never served upon the Petitioners. It was only on 16th July, 2026, when one of the representatives of the Petitioners visited the office of the RCS, that the said order was served by hand, whereupon the Petitioners became aware of the debarment.

5. It is the submission on behalf of the Petitioners that the charge of the Society has been given to the Administrator-cum-Returning Officer. However, insofar as the records are concerned, it is submitted that the office of the Managing Committee in the Society building has been sealed by the officials of the Municipal Corporation of Delhi (hereinafter, 'MCD') on account of alleged violations. The records are lying within the said office and, consequently, the same could not be handed over to the Administrator-cum-Returning Officer. The said non-handing over of records cannot be made the basis for debarment, as per the Petitioners.

6. Mr. Singh, Id. Counsel for the RCS, on the other hand, submits that the Administrator-cum-Returning Officer has raised various grievances including that the Outgoing Managing Committee *i.e.*, Petitioners have been misbehaving with the Administrator-cum-Returning Officer. Thus, no indulgence should be shown.

7. This Court had entertained ***W.P.(C) 8553/2026 titled 'Lt. Col. Rameshwar Singh Rathee & Anr. v. The Registrar of Co-operative Societies & Ors.'*** relating to this very Society and in the said case, the election schedule was finalized and an Observer was also appointed in the following terms:



“2. The present petition has been filed by the Petitioners under Article 226 of the Constitution of India, inter alia, seeking directions to the Respondent No.1 and No.2 to conduct the elections of the Respondent No.3-Maharishi Dayanand Co-operative Group Housing Society Ltd., B-4, Vasant Kunj (hereinafter, ‘the Society’) at the earliest. The Petitioners herein are members of the Society.

3. The case of the Petitioners is that the term of the existing Managing Committee of the Society ended in February 2026. In fact, a Returning Officer appears to have been appointed by the Respondent No.1-Registrar of Co operative Societies (hereinafter, ‘RCS’), and he has even fixed a schedule for the elections. However, the same has not been conducted till date.

4. On the last date of hearing, a status report was directed to be filed by the RCS.

5. Today, the status report has been handed over by the Registrar Cooperative Societies. The same is taken on record.

6. In the said status report, RCS has submitted that the election of the Managing Committee of Society was delayed due to various reasons. However, a new Agenda has been issued by the Returning Officer in terms of the agenda notice dated 10th July, 2026.

7. Heard the ld. Counsel for the parties. In view of the fact that the Agenda notice has now been issued, the Court is not inclined to go into the issues of delay in conduct of elections. While there can be no doubt that such delays ought not to have occurred, and cautioning the Returning officer, let the elections be held in terms of the agenda shown to the Court, as issued by the Returning Officer. The said agenda dated 10th July,



2026 is extracted below:

<i>S. No.</i>	<i>Programme</i>	<i>Date</i>	<i>Time</i>	<i>Venue</i>
1.	<i>Issue of Nomination forms (Free of cost)</i>	<i>25.07.2026 (Saturday)</i>	<i>10.00 AM to 1.00 PM</i>	<i>Premises of the Maharshi Dayanand CGHS Ltd. K.No. 310, Masoodpur Village, Opp. Imperial Club, New Delhi -70</i>
2.	<i>Filling of Nomination</i>	<i>26.07.2026 (Sunday)</i>	<i>10.00 AM to 1.00 PM</i>	<i>Premises of the Maharshi Dayanand CGHS Ltd. K.No. 310, Masoodpur Village, Opp. Imperial Club, New Delhi -70</i>
3.	<i>Scrutiny of Nominations.</i>	<i>01.08.2026 (Saturday)</i>	<i>11.00 AM to 1.00 PM</i>	<i>Premises of the Maharshi Dayanand CGHS Ltd. K.No. 310, Masoodpur Village, Opp. Imperial Club, New Delhi -70</i>
4.	<i>Display of Valid Nominations.</i>	<i>01.08.2026 (Saturday)</i>	<i>1.05 PM</i>	<i>Premises of the Maharshi Dayanand CGHS Ltd. K.No. 310, Masoodpur Village, Opp. Imperial Club, New Delhi -70</i>
5.	<i>Widhrawal of Nominations</i>	<i>02.08.2026 (Sunday)</i>	<i>10.00 AM to 1.00 PM</i>	<i>Premises of the Maharshi Dayanand CGHS Ltd. K.No. 310, Masoodpur Village, Opp. Imperial Club, New Delhi -70</i>
6.	<i>Display of the final list of contesting candidates</i>	<i>02.08.2026 (Sunday)</i>	<i>1.05 PM</i>	<i>Premises of the Maharshi Dayanand CGHS Ltd. K.No. 310, Masoodpur Village, Opp. Imperial Club, New Delhi -70</i>
7.	<i>Polling (if necessary)</i>	<i>09.08.2026 (Sunday)</i>	<i>9.00 AM to 3.00 PM</i>	<i>Premises of the Maharshi Dayanand CGHS Ltd. K.No. 310, Masoodpur Village, Opp. Imperial Club, New Delhi -70</i>

8. Mr. Kanwaljeet Arora, Principal District and Session Judge (Retd.) (M: 9910384733), is appointed as an observer for conduct of the elections of the Society.

9. A lumpsum fee of Rs.2,00,000/- shall be paid to the said Observer by the Society. The Returning Officer shall cooperate with the observer for conduct of the elections in a free, fair and peaceful manner.”



8. From the above order, it is clear that apart from the Administrator-cum-Returning Officer, an independent Observer has been appointed to conduct and oversee the elections of the Managing Committee of the Society. Clearly, the elections ought to be held quickly and the maximum number of people should also be allowed to contest.
9. The debarment of the Petitioners being the members of the Outgoing Managing Committee *vide* the impugned order dated 25th June, 2026, of which the Petitioners had no knowledge, could lead to considerable frustration within the members of the Society, as the ground for debarment is also not wholly tenable.
10. The Administrator-cum-Returning Officer has also joined the proceedings today and submits that the office of the Managing Committee has not been de-sealed and hence, the records are not accessible. He also submits that he has sent a letter to the MCD for de-sealing of the office so that it can be utilised for the elections.
11. Under these circumstances, this Court issues the following directions:
- (i) The office of the Managing Committee in the Society shall be de-sealed by the MCD within 24 hours and the said office may be permitted to be used by the Administrator-cum-Returning Officer.
 - (ii) The records of the Society shall be handed over to the Administrator-cum-Returning Officer, by the Outgoing Managing Committee.
 - (iii) The activities of the elections for the Managing Committee of the Society shall be conducted from the said office itself, which is located within the premises of the Society.
 - (iv) If the MCD has any grievance in respect to either the unauthorized



construction or any other similar issue, let notice be issued to the Society to show cause and action be taken in accordance with law.

(v) The members of the Society to extend complete co-operation to the Administrator-cum-Returning Officer as also the Observer and shall not indulge in any misbehaviour. The Administrator-cum-Returning Officer/Observer shall be entitled to, after conferring with each other, take any action in order to ensure fair and free conduct of elections in a peaceful manner. Misbehaviour by any member shall immediately attract debarment and an order to this effect shall then be passed by the Administrator-cum-Returning Officer.

12. In order to give effect to this order by the MCD, Ms. Puja Kalra, Id. Counsel, who is present in Court, is requested to communicate this order to the concerned officials of the MCD.

13. At this stage, the Administrator-cum-Returning Officer submits that the Society premises would also be required to conduct the elections. Accordingly, MCD shall not cause any impediment in the use of the office by the Observer and Administrator-cum-Returning Officer.

14. The Administrator-cum-Returning Officer submits that he has issued a new Agenda on 16th July, 2026, which is as under:

“ELECTION OF MANAGING COMMITTEE OF THE
MAHARSHI DAYANAND COOPERATIVE GROUP
HOUSING SOCIETY LTD. KH. NO.310,
MASOODPUR VILLAGE (OPP.IMPERIAL CLUB),
NEW DELHI-110070

c/o

THE RETURNING OFICER OFFICE OF SPECIAL
SECRETARY [PWD]
GOVT. OF NCT OF DELHI, 3RD FLOOR, MSO



BUILDING, I.P. ESTATE, NEW DELHI-110002

CORRIGENDUM TO AGENDA NOTICE

This corrigendum is issued to amend the election schedule published in the Agenda Notice. The revised programme for the election of the Management Committee is as under:-

S.No.	Programme	Date	Time	Venue
1.	Issue of Nomination forms (Free of Cost)	03.07.2026 (Thursday)	10.00 AM to 1.00 PM	Premises of the Maharishi Dayanand CGHS Ltd., K.No.310, Masoodpur village, Opp. Imperial club, New Delhi-70
2.	Filing of Nominations	31.07.2026 (Friday)	10.00 AM to 1.00 PM	Premises of the Maharishi Dayanand CGHS Ltd., K.No.310, Masoodpur village, Opp. Imperial club, New Delhi-70
3.	Scrutiny of Nominations	01.08.2026 (Saturday)	11.00 AM to 1.00 PM	Premises of the Maharishi Dayanand CGHS Ltd., K.No.310, Masoodpur village, Opp. Imperial club, New Delhi-70
4.	Display of Valid Nominations	01.08.2026 (Saturday)	1.05 PM	Premises of the Maharishi Dayanand CGHS Ltd., K.No.310, Masoodpur village, Opp. Imperial club, New Delhi-70
5.	Withdrawal of Nominations	02.08.2026 (Sunday)	10.00 AM to 1.00 PM	Premises of the Maharishi Dayanand CGHS Ltd., K.No.310, Masoodpur village, Opp.



				Imperial club, New Delhi-70
6.	Display of the final of contesting candidates	02.08.2026 (Sunday)	1.05 PM	Premises of the Maharishi Dayanand CGHS Ltd., K.No.310, Masoodpur village, Opp. Imperial club, New Delhi-70
7.	Polling (if necessary)	09.08.2026 (Sunday)	9.00 AM to 3.00 PM	Premises of the Maharishi Dayanand CGHS Ltd., K.No.310, Masoodpur village, Opp. Imperial club, New Delhi-70

All other terms and conditions of the Agenda notice shall remain unchanged.

*(Ravi Kumar)
Returning Officer*

Dated: 16.7.2026”

15. In view of the new Schedule which is now issued, the Petitioners shall be permitted to file their nominations which shall, however, be scrutinized in accordance with law. Accordingly, the impugned order is set aside.

16. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

JULY 27, 2026
nsa/Ck