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

Date of decision: 2nd November, 2026

Uploaded on: 4th November, 2026

\# **CNR No. DLHC010527282026**

\+ **W.P.(C) 16200/2026, CM APPL. 75796/2026 & CM APPL. 75797/2026**

DR. DIVYA SHARMA .....Petitioner

Through: Mr. Amit Singh, Ms. Shaily Tarar, Mr. Sanjeev Tomar, Mr. Shashank Verma, Advs.

versus

THE REGISTRAR (DELHI CO-OPERATIVE SOCIETIES) AND ANR .....Respondents

Through: Mr. Shashi Pratap Singh, Ms Anmika Tyagi, Ms Laqshyaa Saluja, Advs. for RCS.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 75796/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 16200/2026 & CM APPL. 75797/2026

3. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, assailing the notice dated 17th October, 2026, cancelling the elections agenda notice dated 2nd July, 2026 as also the new election agenda notice dated 24th October, 2026.

4. The petition concerns the Hans Bhawan Friends CGHS Ltd. (*hereinafter 'the Society'*), in respect of which the elections are being repeatedly announced by the Administrator-cum-Returning Officers.

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However, for whatever reasons, the same appears to be obstructed and impeded by the members of the Society.

5. This is the second writ petition. In the earlier writ petition, *i.e.,* ***W.P.(C)9037/2026*** titled ***'Dr. Divya Sharma v. The Registrar (Delhi Cooperative Societies) & Ors.*** *vide* order dated 10th July, 2026, this Court had also considered the matter regarding the conduct of the elections of the same Society.

6. The brief background of the present case is that, initially, the election process for the Managing Committee of the Society was announced in March, 2025, and scrutiny of nominations was done by Mr. Chander Veer, who was the Administrator-cum-Returning Officer (*hereinafter 'ARO-I*).

7. The list of contested candidates was published by the said ARO-I on 26th April, 2025. However, the same was to be cancelled, allegedly due to some exigencies. The said ARO-I, thereafter resigned from the position.

8. The Registrar of Cooperative Societies (*hereinafter 'RCS'*) then appointed Mr. Mahender Pratap Singh as the new Administrator-cum-Returning Officer (*hereinafter 'ARO-II'*).

9. ARO-II issued an election agenda notice dated 2nd July, 2026, as per which, the elections were to be conducted between 9th July, 2026 to 26th July, 2026. The process of nomination was also completed and only elections were to be held.

10. At that stage, the first writ petition *i.e.,* ***W.P.(C)9037/2026*** was filed, and the case of the Petitioner was that the elections ought to be conducted on the basis of the nominations which were filed in March-April, 2025. This submission was not accepted by the Court and the following directions were issued *vide* order dated 10th July, 2026:

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"xxx xxx xxx

8. Ld. Counsel for the Petitioner submits that the process of Nomination etc., was completed in the earlier elections and only the elections were to be held, which was cancelled – thus, the present ARO ought to merely hold the elections on the basis of the nominations and election records of the earlier ARO.

9. This is opposed by ld. Counsel for the RCS on the ground that there is sufficient time gap between the date of elections fixed by the previous ARO and the new scheduled date for the election. The Delhi Co-operative Societies Act, 2003 (hereinafter 'Act') and the Rules framed thereunder prescribe specific time limits for conduct of elections. Hence, the records and schedule has been rightly prepared afresh by the present ARO.

10. The Court has considered the matter. If there was any medical exigency in the family of the earlier ARO due to which he had cancelled the elections in 2025, a long time of more than 15 months has since elapsed and the earlier nominations, etc. cannot be now considered straightaway, because that would be contrary to the provisions of the Act and the Rules framed thereunder.

11. The new ARO has now issued a fresh Election Agenda for elections and is currently accepting the nomination forms from 9th July, 2026 - tomorrow being the last date for filing nominations. The election process having already started, this Court is not inclined to interdict or stop the election process at this stage.

12. There are certain objections, which are being

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raised by ld. Counsel for the Petitioner in respect of the ineligible members or persons having duplicate membership, being permitted to vote.

13. These objections shall be raised before the ARO and shall be considered by him in accordance with law.

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

11. Subsequently, due to obstructions by the members, the ARO-II could not complete the elections, and he also submitted his resignation.

12. The RCS then stepped in and appointed Mr. R.K. Sawant (*hereinafter 'ARO-III'*) as the Administrator-cum-Returning Officer *vide* order dated 29th July, 2026.

13. Pursuant thereto, ARO-III issued a fresh election agenda dated 24th October, 2026 for conduct of elections after obtaining permission from RCS. The said permission was accorded on 22nd October, 2026. The new election agenda dated 24th October, 2026 is as under:

ELECTION PROGRAMME

S.No	Programme	Date	Time	Venue
1.	Issue of Nomination form (Free of Cost)	29.10.2026 (Thursday)	11::00 AM to 01:00 PM	Society Officeof the Hans Bhawan Friends CGHS Ltd. Plot No.6, CBD, East Arjun Nagar, Delhi-110032
2.	Filling of Nomination	31.10.2026 (Saturday)	03:00 PM to 05:00 PM	
3.	Scrutiny of Nomination	01.11.2026 (Sunday))	02:00 PM to 04:00 PM	
4.	Display of Valid Nomination	01.11.2026 (Sunday))	04:00 PM to 05:00 PM	
5.	Withdrawal of Nomination	14.11.2026 (Saturday)	03:00 PM to 05:00 PM	
6.	Display of final list of Contesting Candidate	14.11.2026 (Saturday)	05:00 PM to 06:00 PM	
7.	Polling (If Necessary)	22.11..2026 (Sunday)	11:00 AM to 3:00 PM	Society Hall

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14. Unfortunately, however, on 29th October, 2026, when the nomination forms were to be issued, the ARO-III was obstructed from discharging his duties.

15. As per the above complaint, he was assaulted and prevented from discharging his official duties and forced to call the Police Control Room, whereafter, the PCR assisted him and dropped him at the Police Station, Farsh Bazar.

16. ARO-III lodged a complaint dated 29th October, 2026 with the concerned S.H.O to the following effect:

TRUE TYPED COPY

[Endorsement: DD No. 67A, dated 29/10/26, with stamp of Police Station Farsh Bazar, Shahdara, Delhi-32]

To,
The SHO,
P.S. Farsh Bazar,
Shahdara, Delhi

Sub: Complaint against the members of Hans Bhawan Friends CGHS Ltd., East Arjun Nagar, Delhi-110032.

Sir,

The undersigned has been appointed as an 'Administrator-cum-R.O.' at Hans Bhawan Friends CGHS Ltd., East Arjun Nagar, Delhi-110032 by the office of the Registrar of Cooperative Society vide order dated 29.07.2026 and subsequent order of extension dated 22.10.2026 to conduct election of the managing committee as per 'Election Agenda' dated 24.10.2026. Copies of agenda & orders enclosed.

Today, at 11:00 AM, the undersigned reached the society office of the aforesaid appartment for distribution of 'Nomination Form'. However, I was assaulted and prevented from doing my official duty by the following members of the society. I had no option left but to call PCR at 112, who dropped me safely at P.S. Farsh Bazar for further legal action.

The following persons have misbehaved with me:

1. Sh. Raman Kumar (Flat No. A-34) & Sh. Sanjeev Tomar (Flat: E-04)

It is humbly requested to kindly take necessary legal action, as I have also been threatned to be beaten by the aforesaid person.

Yours faithfully
Sd/-
29/10/2026
(RAM KUMAR SAVANT)
Administrator-cum-RO
Mob: 9811384746

Copy to:
The Registrar Cooperative Societies, Parliament Street, New Delhi-110001.

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As can be seen from the above complaint, the ARO alleged that Mr. Raman Kumar, resident of Flat No.A-34 in the Society and Mr. Sanjeev Tomar of Flat No.E-04 of the Society, had assaulted him.

17. In view of the obstruction caused, the nomination forms could not be issued and the scrutiny of the forms could not be conducted.

18. At this stage, the present writ petition has again been filed, *inter alia*, seeking quashing of the election agenda dated 24th October, 2026.

19. The further prayer in this writ petition is that the agenda under the election notice dated 2nd July, 2026 ought to be proceeded with.

20. Mr. Amit Singh, ld. Counsel appearing for the Petitioner submits that the Petitioner had filed certain objections regarding certain nominations etc. and the ARO-II had considered the same properly.

21. Mr. Shashi Pratap Singh, ld. Counsel appearing for the RCS, however, submits that in this Society, there are a group of persons, who seem to have come together to stall the elections for the Managing Committee of the Society, in one manner or the other.

22. The Court has considered the matter. Clearly, the repeated appointment of various Administrator-cum-Returning Officers by the RCS indicates that there are obstructions being caused in the conduct of elections in the Society.

23. The latest, Administrator-cum-Returning Officer *i.e.,* ARO-III, Mr. R.K. Sawant has specifically named the persons who allegedly assaulted and threatened him when he was in the process of issuing the nomination forms. However, the connection between the Petitioners and the said two individuals, namely, Mr. Raman Kumar and Mr. Sanjeev Tomar, is not clear.

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24. Be that as it may, it is made clear that the Society's members cannot in any manner obstruct the conduct of elections in this manner repeatedly.

25. The Petitioner is one of the persons contesting for the post of President, as is evident from the scrutiny papers of June, 2022. Thereafter, the Petitioner's name again figures in the list of contesting candidates for the post of Vice-President, as is evident from the list published on 20th April, 2025.

26. Mr. Raman Kumar, against whom the ARO-III has given a complaint to the S.H.O. is contesting for the post of President as per the list published on 20th April, 2025.

27. There seems to be some reasons why these candidates do not want the elections to continue and conclude in a peaceful manner, however the same are not clear to the Court.

28. The Administrator-cum-Returning Officers cannot be expected to again and again call for the elections, and be threatened and assaulted in this manner. The elections to the Society have to be held in a peaceful, fair and transparent manner.

29. Therefore, this Court is of the opinion that since these two candidates i.e. Mr. Raman Kumar and Mr. Sanjeev Tomar have misbehaved, assaulted and threatened the ARO-III, their candidature deserves to be disqualified. Ordered accordingly.

30. In addition, in order to ensure the smooth and fair conduct of elections, the following further directions are issued:

i) The election agenda notice dated 24th October, 2026 is cancelled.

ii) ***Fresh Election Notice:*** The ARO-III shall issue a fresh election notice within a week and shall publish the agenda for the

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elections;

iii) ***Disqualification of M. Raman Kumar and Mr. Sanjeev Tomar:*** Mr. Raman Kumar and Mr. Sanjeev Tomar shall not be permitted to contest of participate in the elections. Their nomination shall not be accepted;

iv) ***Security Arrangements***: The S.H.O. of the concerned area shall, on the dates of issuance of nomination forms, scrutiny and other election-related processes, as well as on the date of polling, extend security for the conduct of elections within the premises of the Society;

v) ***Registration of F.I.R.***: On the basis of the complaint dated 29th October, 2026, lodged by the ARO-III, an F.I.R shall be registered by S.H.O. PS, Farsh Bazar, Shahdara against Mr. Raman Kumar and Mr. Sanjeev Tomar and investigation shall be undertaken in the said FIR. The same shall proceed in accordance with law;

vi) ***Appointment of Additional Observer:*** The RCS Office shall, in order to assist the ARO-III, also depute one more official as an Observer to oversee the elections, so that the same is conducted in a peaceful manner.

31. A copy of this order be communicated to the S.H.O. PS, Farsh Bazar, Shahdara, Delhi by the RCS as also by Mr. Ritesh Kumar Bahri, ld. APP.

32. The documents given by Mr. Shashi Pratap Singh, ld. Counsel are taken on record.

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33. The present petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 2, 2026
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