

(Issued by the orders of State Registrar of Societies, Haryana)

From

E-mail/Regd. Post

State Registrar of Societies, Haryana,
Department of Industries & Commerce,
30 Bays Building, Sector-17, Chandigarh

To

1. Col. Mukul Dev r/o House No.1101, Sispal Vihar, Gurugram. Email ID:
dev_m123@rediffmailc.om

.....**Petitioner before DR, Gurugram**

Vs.

1. President/Secretary, Sispal Vihar Army Welfare Housing Organization Society, Sector 49, Sohna Road, Gurugram. rwasispalvihar@gmail.com
.....**Respondent**
2. Sh. Ishan Gill, Advocate, Counsel for respondent Society.
Ishansinghgill12@gmail.com

Memo No.SROS/Reference case of Sispal Vihar Army Welfare/GGM/
Dated Chandigarh, the

Subject:- Reference case No.1382 of 2023, case of Sispal Vihar Army Welfare Housing Organization, Gurugram referred by the District Registrar, Gurugram u/s 40 of the HRRS Act, 2012.

I am directed to enclose herewith a copy of order dated 29.02.2024 passed by the State Registrar of Societies, Haryana for information and compliance.

Encl: As above.



for State Registrar of Societies, Haryana

Through E-mail/Regd.

Endst.No.SROS/Reference case of Sispal Vihar Army Welfare/GGM/2464-A Dated: 15-03-2024

A copy is forwarded to the District Registrar, Firms & Societies, Gurugram, for information and immediate compliance by delivering this communication to the all concerned immediately.

Encl: As above.



for State Registrar of Societies, Haryana

**BEFORE THE STATE REGISTRAR OF SOCIETIES, HARYANA,
30 BAYS BUILDING, SECTOR-17, CHANDIGARH.**

Reference Case No.1382 of 2023

ORDER

Present through Video Conferencing:

1. Sh. Rajiv Manglik, Advocate for complainant/petitioner.
2. Col. Mukul Dev, complainant/petitioner.
3. Sh. Rajesh Kumar, Clerk O/o District Registrar, Firms & Societies, Gurugram.
4. Sh. Ishan Gill, Advocate, Counsel for respondent Society.

The District Registrar, Firms & Societies, Gurugram submitted the present reference u/s 40 of the Haryana Registration & Regulation of Societies Act, 2012, before the Authority regarding election dispute of Collegiums of Sispal Vihar Army Welfare Housing Organization Society, Gurugram, held on 14.10.2023.

2. That consequent upon the filing of reference by the District Registrar, Gurugram, notices were issued to the concerned parties to plead their case. The case was listed for hearing on 08.12.2023 & 29.02.2024. At the time of hearings, the counsel for complainant/petitioner and counsel for present Governing Body were present and the detailed submissions made by the parties were heard.

3. That the written synopsis in the present reference have also been filed by the parties, the contents of which are taken on record.

4. That from perusal of the record/documents, contents of the reference, written synopsis and after hearing the submissions made by the complainants and office bearers of present Governing Body, it is observed as under:-

4.1 That the District Registrar, Gurugram in the reference has stated that a complaint dated 25.09.2023 was received in their office from Col. Mukul Dev

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stating therein that his nomination for election was rejected on the ground of bye-laws of the society quoting para 18(4), which states that Col. Mukul Dev should not have any criminal proceedings pending against him in a court of law.

- 4.2 That the District Registrar, Gurugram after hearing both the parties, passed the order dated 29.09.2023 in the complaint vide which the District Registrar observed that no proof of criminal proceedings against the complainant i.e. Col. Mukul Dev has been submitted by the Returning Officer, on the basis of which, the nomination of the complainant was rejected by the Returning Officer. The District Registrar further observed that the Returning Officer wrongly rejected the nomination of the complainant on the second ground that the complainant has filed many court cases against the association. The District Registrar observed that the complainant has the legal right to approach the court for any matter.
- 4.3 That the District Registrar also observed that the third reason for rejection of nomination of the complainant by the Returning Officer was recorded that the complainant has given false undertaking that he has no dispute with AWHO and Sispal Vihar Society. However, on perusal of the nomination form, it was found that false undertaking has not been given by the complainant. The District Registrar further observed that as per HRRS Act/Rules as well as bye-laws do not bar a member from contesting/participating the election based on the reasons cited above by the Returning Officer. The District Registrar vide order dated 29.09.2023 directed the Returning Officer to reschedule the election and the proper timeliness and directions as per the Act/Rules be followed for conducting the elections.
- 4.4 That thereafter a Petition dated 27.10.2023 u/s 40 of the HRRS Act, 2012 was further received from the Col. Mukul Dev stating therein that the order dated

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29.09.2023 passed by the District Registrar, Gurugram were illegally overturned by an Extra Ordinary General Body Meeting held on 07.10.2023 and the same nomination form of the complainant was again used with an inscription on top of the Form that the said Form was approved by an EOGBM held on 07.10.2023.

- 4.5 That the District Registrar vide present reference observed that the decision of EMGB dated 07.10.2023 was violative of earlier orders dated 29.09.2023 passed by their office and also a violation of rights of individuals.
- 4.6 That the counsel for respondent Society states that the petition raises several contentions regarding the legality of actions, including the order of the District Registrar dated 29.09.2023 being overturned, the nomination of Lt. Col. Satbir Singh Gill as the Returning Officer, the conduct of an EOGB and the subsequent re-polling of K Block. The counsel categorically asserted that respondent society has adhered to all rules and procedures outlined in the bye-laws of the society and the HRRS Act, 2012. He further states that neither the RO nor any of the independent Observer unlawfully accepted or rejected any nomination forms within the society. The directions given to the previous RO by the District Registrar in the order dated 29.09.2023 were deemed correct. The grounds for rejection, as per para 18(iv) of the bye-laws, were substantiated by the existence criminal proceedings against the petitioner.
- 4.7 That the counsel for respondent society states that during the scrutiny of the nomination forms for the collegium on 12.10.2023, it was observed that the petitioner nomination form was incomplete, thus leading to its rejection. Additionally, discrepancies regarding Mrs. Shirley Sushma Sharma's membership transfer were brought to light after the election, creating a deliberate attempt to undermine the election process. This resulted in the declaration of K Block voting as defective and necessitated re-polling on



17.10.2023. In conclusion, as per the schedule, the publishing of results for the General Body was announced on 06.11.2023. The entirety of these circumstances underscores the need for a comprehensive and just resolution to uphold the integrity of the election process and safeguard the reputation of the individuals involved.

4.8 That it is observed from the record file of the case that the election of the collegiums was held on 14.10.2023 and the petitioner has filed the election petition before the District Registrar on 27.10.2023. However, the District Registrar sent the reference u/s 40 of the HRRS Act, 2012 to this Authority on 16.11.2023.

In view of the above, it is observed the nominations of the petitioner was rightly rejected by the RO as the amendments in the nomination form are not admissible while conducting the election. Therefore, the reference sent by the District Registrar is hereby rejected.

Orders be communicated to all the concerned.

Place: Chandigarh
Date: 29.02.2024



(Manish Kumar Lohan)
State Registrar of Societies, Haryana