

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

1. COCP-2465-2017 (O&M)

Krishan Saraf and another **...Petitioners**

Versus

Bharat Gupta and others **...Respondents**

2. COCP-2420-2017 (O&M)

Sunanda Khosla **...Petitioner**

Versus

Bharat Gupta and others **...Respondents**

3. COCP-2421-2017 (O&M)

Ajay Mirza **...Petitioner**

Versus

Bharat Gupta and others **...Respondents**

4. COCP-2830-2017 (O&M)

Trade Tower Owners Welfare Association **...Petitioner**

Versus

Bharat Gupta and others **...Respondents**

Date of decision: 20.02.2023

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Rai, Advocate and
Mr. Bikram Chaudhary, Advocate
for the petitioners.

Ms. Suman Jain, Advocate and
Mr. Rajesh Jain, Advocate
for respondent Nos. 1 and 3.

Mr. Himanshu Gupta, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above mentioned four contempt petitions as they are similar in nature.

The petitioners are alleging violation of the order dated 06.07.2017, passed by this Court in CWP-410-2016, vide which, the writ petition was disposed of by passing the following order:

“4. At the request and with the consent of the parties, the writ petition is disposed of by the following order:-

(i) Shri B.M. Bedi, former District Judge, Haryana, is appointed as the Returning Officer and observer for conducting the elections of the governing body of the Trade Tower Owners Welfare Association, Gurgaon.

(ii) The Returning Officer shall do so in accordance with law. The Returning Officer shall, however, before holding the elections send individual notices to all the parties who have executed the deed of apartment as well as to those who have not executed the deed of apartment. The parties who have not executed the deed of apartment shall be intimated by the Returning Officer that they would be at liberty to do so within two weeks of the receipt of the notice from the Returning Officer. If they do so, they shall also form part of the electorate.

(iii) The Returning Officer is requested to complete the process latest by 15.09.2017.

(iv) The remuneration of the Returning Officer is fixed at ₹ 1,00,000/-. The remuneration shall be paid from the funds of the society within two weeks from today. This, however, shall not include the out of pocket expenses which shall be paid by the society within two weeks of the Returning Officer's demand for the same."

These petitions are pending since 2017 and admittedly, the elections have already been conducted.

In view of the same, these petitions are rendered infructuous.

Rule stands discharged.

The petitioners are granted liberty to avail the alternative remedy, in accordance with law, if so advised.

Let a photocopy of this order be placed on the file of other connected cases.

20.02.2023

Wassem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No