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%10-08-2005

Present: Mr. Sandeep Kumar for the petitioner.
Mr. Anand Yadav for the applicants.
Mr. J N Gupta for the respondent no.1.
Mr. Prakash Gautam, Advocate for RCS.

+WP(C) No. 1007/2002

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This writ petition has been filed impugning the award passed by the Arbitrator as well as the appeal against said order having been dismissed by the Tribunal. In view of role of Sita Ram Singhal, result of investigation pursuant to the order passed by this Court and an inquiry conducted by the Crime Branch of Delhi Police fact of charge sheet having been filed against him, CFSL report obtained allegations that he siphoned of the money of the Society and has received money in a clandestine manner and enrolled more members than the membership of the Society all these aspects have to be considered by the Arbitrator. The award passed by the Arbitrator was not on the basis of any documents produced by the Society, as the Society could not have produced the documents in view of the facts stated above.

Therefore, we set aside the impugned order as well as the award rendered by the arbitrator and direct the Registrar Cooperative

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Society to appoint a qualified person with legal experience as an Arbitrator to dispose of the matter after giving due consideration of all the circumstances and relevant documents which will be placed by the parties for consideration.

Nothing said above will constitute an expression of opinion on the merit of controversy between the parties.

The writ petition stands disposed of with above directions.

In view of the interim order stands vacated, the application filed by Mr. Anand Yadav, counsel for the applicants stands disposed of.


Vijender Jain, J.

AUGUST 10, 2005
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Rekha Sharma, J.