

**IN THE HIGH COURT OF DELHI AT NEW DELHI****CS(OS) 2684/2014****PROKASH CHAKRABORTY ..... Plaintiff****Through: Mr. Sanat Kumar, Advocate****versus****ASSOCIATION OF RADIO AND TELEVISION ENGINEERING  
EMPLOYEES(ARTEE) AND ORS  
..... Defendants****Through: Mr. Rajesh Srivastava, Advocate for D-1 and D-2.****Mr. Ujjwal Banerjee, Advocate for D-3.****Mr. Rajeev Sharma, Advocate with Mr. Sahil Bhaliak and Ms. Radhalakshmi  
R, Advocates****for D-4.****CORAM:****HON'BLE MS. JUSTICE HIMA KOHLI****ORDER****13.02.2015**

**1. Pleadings qua the defendants No.1 and 2 and defendant No.3 are complete. Counsel for the defendant No.4 states that he does not wish to file the written statement in the present proceedings as the dispute is between the plaintiff and the defendants No.1 and 2. However, the defendant No.4 has filed a copy of the inquiry report dated 25.10.2013, and copies thereof have been furnished to the counsels for the plaintiff**

**and the remaining defendants.**

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- 2. Admission and denial of documents has not been completed. The parties shall file their original documents if not filed by now, within four weeks while exchanging copies thereof with each other.**
- 3. List before the Joint Registrar on 14th April, 2015 for completion of admission and denial of documents.**
- 4. List in Court on 22nd July, 2015 for framing of issues.**
- 5. The parties shall exchange their respective issues proposed to be framed one week before the next date of hearing and produce the same in Court.**

**I.A. 17003/2014 (by the plaintiff u/O XXXIX R 1 and 2 CPC)**

- 1. Vide order dated 05.09.2014, directions were issued to the defendant No.3/Returning Officer to preserve the entire records of the elections of the defendant No.1, held on 27.07.2013, particularly, the ballot papers and the defendant No.4 was directed to file the report of the Inquiry Committee set up by it.**
- 2. Though the defendant No.4 has made necessary compliances, counsel for the defendant No.3/Returning Officer states that the records of the elections had been destroyed by the defendant No.3 on 26.10.2013, after expiry of 90 days from the date of conducting the elections, that were held on 27.07.2013.**

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- 3. Mr. Sanat Kumar, learned counsel for the plaintiff states that within the prescribed period of 30 days i.e., on 17.08.2013, his client had filed a complaint with the defendant No.3/Returning Officer in respect of the irregularities alleged in the elections of the defendant No.1 held on 27.07.2013 and therefore, it was incumbent for the defendant No.3 to have preserved the election records.**
- 4. Having regard to the submissions made by the counsels for the parties, it is deemed appropriate to direct the defendant No.3 to file an affidavit to explain his decision to go ahead and destroy the elections records during the pendency of the complaint filed by the plaintiff in respect of the irregularities that had allegedly taken place during the**

**elections held by the defendant No.1/Society on 27.07.2013. Needful shall be done within three weeks with copies to the counsel for the plaintiff and the remaining defendants. Replies, if any, to the said affidavit shall be filed within two weeks thereafter.**

**5. List before the Joint Registrar on the date fixed for compliance by the defendant No.3.**

**6. List in Court on the date fixed.**

**HIMA KOHLI, J**

**FEBRUARY 13, 2015**

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**§ 26.**