

## **Central Office View on Elections**

**After the Undertaking for withdrawal of Civil suits by Plaintiffs of CS 111/2016 and CS 113/2016, Sh.Prokash Chakraborty and Sh.Ashwini Dagar, as per decision of Central Executive Meeting dated 26.04.2016, the Counsel of ARTEE in these suits were asked to submit their advice in this matter since it is a legal matter. The Advise of our counsel is available and it is given below:**

# **VIJAY CHANDRA JOSHI**

Advocate

Senior Central Government Counsel & Panel Counsel, SDMC  
**DELHI HIGH COURT**

VCJ/A-007/4-2016

28<sup>th</sup> April, 2016

To,

**Sh. Umesh Chandra,  
&  
President, ARTEE, New Delhi**

**SUB. : ADVISE ON UNDERTAKING BY THE COUNSEL  
OF THE PLAINTIFFS IN CS 111/2016 AND CS  
113/2016 PENDING BEFORE THE COURT OF MS.  
VINEETA GOYAL, LD ADJ, PATIALA HOUSE COURTS**

Dear Sh. Chandra,

With reference to your request during our meeting dated 27.4.2016 held at my Chamber No. 160, Patiala House Courts, New Delhi.

After carefully examining the undertaking given by the counsel of the plaintiffs Shri Prokash Chakraborty and Shri Ashwani Dagar before the Hon'ble Court of Ms.Vineeta Goyal, Ld. ADJ, Patiala House Courts, New Delhi on 08.04.2016, I advise you the following :

The Counsel for the plaintiffs has submitted the resolution passed by the Central Executive Committee on 01.4.2016. The counsel for the plaintiffs further submitted that the plaintiffs are ready to withdraw the suit if the election are renotified as per amended by laws approved on 20.11.2015 and further submitted that the plaintiff will not withdraw the suit unconditionally, but the condition is not mentioned. It seems their condition is Notification of election as per byelaws passed in your General Body Meeting held at Allahabad on 20.11.2015.

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**Chamber No. 160, Patiala House Courts, New Delhi -110 001  
Mob. : 9873677817, E-Mail- [advocatevijayjoshi@gmail.com](mailto:advocatevijayjoshi@gmail.com)**

# **VIJAY CHANDRA JOSHI**

**Advocate**

Senior Central Government Counsel & Panel Counsel, SDMC

**DELHI HIGH COURT**

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Being the respondent nos. 1 & 2 in the matter you are also willing the same way, the Hon'ble Court is likely to allow to dispose off the suit as per the submission made by the Counsel of Plaintiffs by making clear stand on "*Plaintiff will not withdraw the suit unconditionally*" and but it is the privilege and judicial powers of the Hon'ble Court to allow or not to allow to withdraw/dispose/Out of Court settlement of the matters pending before the Hon'ble Court. In such cases Hon'ble Court may express its concern about wastage of Court's precious time.

Hon'ble Court in its order dated 08<sup>th</sup> April 2016 also issued notices to Respondent Nos. 3 & 4.

It is advisable to submit an Affidavit in Hon'ble Court before 09<sup>th</sup> May 2016 on behalf of Respondent nos. 1 & 2, expressing the consent to conduct election as per Byelaws passed in your General Body Meeting held at Allahabad on 20.11.2015 and wait for direction of the Hon'ble Court on 9<sup>th</sup> May 2016.

Yours sincerely,



(Vijay Chandra Joshi)  
Advocate

**We agree with the advice given by our Counsel and an Affidavit along with undertakings of the plaintiffs will be submitted in Hon'ble Court before 9<sup>th</sup> May 2016.**

**Further Action will be taken as per the direction of Hon'ble Court on 9<sup>th</sup> May 2016.**

**Umesh Chandra,**  
**President, ARTEE**  
**0-9871765714**  
**[umsharma01@gmail.com](mailto:umsharma01@gmail.com)**