

IN THE COURT OF SH. PRASHANT SHARMA, SCJ CUM RC, (CENTRAL),
TIS HAZARI COURTS, DELHI.
CS No. 3023 of 2017

IN THE MATTER OF:

Alumni Association Delhi College
of Engineering ...Plaintiff
Versus
Pramod Kumar & Anr. ...Defendant

WRITTEN STATEMENT ON BEHALF OF DEFENDANT NOS. 1 & 2.

Most Respectfully States as under:

1. **Preliminary Objections/Submissions:**

- 1.1. That the Suit has been instituted by unauthorized person in the name of Alumni Association Delhi College of Engineering (hereinafter referred to as "Association") and as such is not maintainable and liable to be dismissed on this sole ground alone.
- 1.2. That it would be obvious from the cause title wherein Mr. Praveen Bhargava has been shown as the President of the Plaintiff and the Defendant No. 2 has also been shown as the President of the Association. It is stated that the Suit is malicious, ill-motivated and designed to disrupt the process of electing Governing Body of Association which was scheduled to be held between 6th to 16th of October, 2017.
- 1.3. It is most respectfully stated that Mr. Praveen Bhargava has no locus to represent the Association as he is not the elected President as claimed in the Suit/Plaint.

- 1.4. It is stated that Mr. Praveen Bhargava is neither authorized by the Association either to sign, institute, represent, engage any advocate or to file any pleading on behalf of the Association. Therefore, the present suit is liable to be rejected in this sole ground.
- 1.5. It is stated that the entire game plan is the mastermind of one Mr. N.K. Sharma and his supporters. Mr. N.K. Sharma is the erstwhile Secretary of the Association, who was expelled from the post of General Secretary on 15.11.2016. After Mr. Sharma was expelled, he *mala fidely* retained property/documents of the Association.
- 1.6. On 29.05.1998, Association was registered under the Societies Registration Act, 1860 vide registration No. S-33032 of 1998 with the Registrar of Societies, Government of NCT, Delhi.
- 1.7. Somewhere in the year 2014, the resolution by the General Body was passed to change the name of Alumni Association Delhi College of Engineering to DCE-DTU Alumni Association. The said change was made after the Delhi College of Engineering became University and was called Delhi Technological University. However, despite the resolution by the GBM of Association the Registrar of Societies could not be informed of the said change nor was any request made for change in the certificate of registration. It is because of this reason the name of the Association continued to remain as "Alumni Association Delhi College of Engineering" atleast with the Registrar of Societies and the bank accounts. For all

other public domain the Association used the name of the Association as DCE-DTU Alumni Association. Even the official website of the Association continues to be www.dcedtualumni.org.

- 1.8. It is most respectfully stated that till date no election was held for electing Governing Body of the Association despite the procedure set out in the rules and regulation of the Association, only the President & the Secretary were elected and the rest of the members of the Governing Body used to get nominated by both the elected persons, that too the President and the Secretary were elected only once in the year 2005. The entire working of the Association and the Governing Body continued to run smoothly due to faith among the members without there being any question raised either for election or for any nominated member of the Association.
- 1.9. For the first time a dispute was raised by Mr. N.K. Sharma, the then General Secretary of the Association on the nomination of the Defendant no. 2 as President of the Association by the outgoing President Mr. Karnal Singh, who resigned as President for his personal reasons. This nomination was unanimously accepted by the members of the Governing Body including Mr. N.K. Sharma and Mr. Praveen Bhargava. It is only when some of the actions of Mr. N.K. Sharma were objected to by the Defendant no. 2 and other members of the Governing Body that Mr. N.K. Sharma started raising objections in respect of nomination of

Defendant no. 2 as the President of the Association. It is relevant to point out that Mr. N.K. Sharma, the then General Secretary, Mr. Shiv Bhardwaj, the treasurer and Mr. Praveen Bhargava, member of the Governing Body had teamed up to act against the interest of the Association. Mr. N.K. Sharma, the then General Secretary on most of the occasion was found to be working against the interest of the Association in one manner or the other for which he was called by the Governing Body to explain his acts and omissions. It was also found that the entire records of the Association was being kept by the then General Secretary, Mr. N.K. Sharma in his personal lock and key and not in the Association office. It would be relevant to point out that Delhi Technological University (formerly Delhi College of Engineering) has been kind enough to provide sufficient office space for day to day working of the Association in the University complex itself. Despite a safe place being available for keeping record of the Association, Mr. N.K. Sharma kept the entire record of the Association at his disposal away from the office of the Association and till date he has not returned the same to the Association.

1.10. It is for all the above reason Mr. N.K. Sharma was called upon to explain his conduct and answer as to why he should not be expelled or terminate from the post of General Secretary. It is stated that despite several notices calling upon Mr. N.K. Sharma to explain his conduct, Mr. Sharma opted not to either explain or satisfy the Governing Body

about his conduct. Accordingly, on 15.11.2016 Mr. N.K. Sharma was expelled as General Secretary of the Association, which was duly communicated to him through e-mail dated 18.11.2016 alongwith which the minutes of the meeting was also sent to him.

1.11. It would not be out of place to mention that after the expulsion of Mr. N.K. Sharma as General Secretary, he never raised any objection in respect of his expulsion as General Secretary.

1.12. Some of the members of the Association informed the Defendant no. 2 that the said Mr. N.K. Sharma alongwith Mr. Praveen Bhargava and Mr. S K Bhardwaj along with others had teamed up to form a separate Association. No objection was raised either by the Association or any member of the Association or Governing Body for the reason that as per the law of the land, any person is free to form any Association of this or their own choice. However, there was no suspicion that those persons would try to run a parallel Association by the same name without even registering it which otherwise is a fraud played upon the members of the Association.

1.13. From the records made available in the present proceeding, it seems that a so-called General Body Meeting was held on 28.01.2017 at 5:30 PM onwards at Convention Hall, The Ashoka, New Delhi. At the first place it must be pointed out that the Association never called any such meeting of the General Body Meeting on 28.01.2017. Secondly, as per the pleading of the present proceeding the then General

Secretary moved a resolution, who was already expelled in November, 2016. Therefore, any decision taken in such so-called General Body Meeting cannot be said to be decision or resolution of the Association.

1.14. It reveals from the record that in the said so-called General Body Meeting purportedly held on 28.01.2017 even an election was held without following any process even if it was the election of the Governing Body of the Association. It is most respectfully stated that in order to sustain the present plaint, the Plaintiff has to prove its own case on merits, the locus of so-called office bearers of the Association representing herein as plaintiff. The Defendants seriously dispute and call upon the plaintiff to explain the locus of persons representing the plaintiff.

1.15. It is relevant to point out that there are around 2500 members of the Association and majority of which have no idea about any such General Body Meeting held on 28.10.2017 or any election decided in the said meeting as is evident from the pleadings herein.

1.16. It reveals from the record that the said Mr. N.K. Sharma maliciously planned with his supporters to change the website and name of the Association which is evident from the record and pleading made available in the present proceeding. Although, it has been projected that the website and the name of the Association was changed in the General Body Meeting purportedly held on 28.01.2017 but the documents belies the same as the notice for General Body

Meeting was published by this group on the new website prior to the General Body Meeting itself, which clearly shows the pre determined and pre planned ill motive on the part of Mr. N.K. Sharma and others. It would also be relevant to point out that for the reasons best known to the said Mr. Sharma and others supporting him, a new domain of the website was created namely www.dtudcealumni.org similar to the official domain of the website of the Association i.e. www.dcedtualumni.org. This clearly indicates the mischievous intention on the part of the said people in order to mislead the members of the association.

1.17. On 04.02.2017 in the Annual Alumni Meet held at Airforce Auditorium, Subroto Park, New Delhi presided by the Defendant no. 2, it was decided by voice vote that the election of the Governing Body of the Association would be held this year for which due notice would be served upon the members of the Association.

1.18. Since the 2500 members of the Association are located at various places of the world and it was found necessary to hold election for all the post of Governing Body anticipating objection from atleast group of members supporting Mr. N.K. Sharma, to first collect the data base in respect of the members of the Association. It was found necessary to inform each and every member of the Association and their participation in election process for which collection of database was a must. The Association left no stone unturned

and collected the maximum database of the members of the Association located throughout the world.

1.19. On 12.01.2017 the Governing Body called its meeting and a resolution was passed for appointing the Defendant no. 1, which is also one of the Founding Member of the Associations to act as Returning Officer for holding elections of the Governing Body, 2017. Professor S.K. Singh, Dean (Alumni Affairs) at the recommendation of Professor Yogesh Singh, VC, DTU was appointed as Observer for the election.

1.20. On 12.09.2017 the Defendant no.1 as Returning Officer published a notice calling upon nominations for electing as Executive Members of Governing Body of the Association. In the said notice the reference of dates for filing nomination, withdrawing nomination, dates of election, process to be adopted for election, declaration of result etc. were set out. These detail were also published on the official website of the Association i.e. www.dcedtualumni.org. These information were also sent to the members of the Association whose e-mail addresses were available with the RO/Association.

1.21. In order to derail democratic process, Mr. Praveen Bhargava posing himself to be President of the association has maliciously instituted the present proceeding.

Without prejudice to the foregoing and without in any manner admitting any of the contentions/submissions made in the Plaint, save and except those which are specifically admitted herein, the Defendant No. 1 & 2 are tendering their para-wise reply as under:

2. The contents of para 1 of the Plaint are misleading for the simple reason fact that Defendant no. 2 is the President of the Association and not Mr. Praveen Bhargava as claimed in the Plaint. For the said reason the suit instituted is *mala fide* and through an unauthorized person. It is stated that Mr. Praveen Bhargava is only an executive member of Governing Body of the Association and not the President. It is stated that as per the MOA a maximum number of executive of the Governing Body can be fifteen including the President & the General Secretary. It is stated that before the expulsion of Mr. N.K. Sharma the then General Secretary the maximum number of executive members of the Association were there. It is clarified that although the convention of the Association has been to nominate more executives of the Governing Body and therefore, there were 25 executives, however, since the MOA provided for maximum number of executives as 15, the Defendant's are counting only 15 executives of the Governing Body for the present proceeding including the President and the GS. It is stated that after expulsion of Mr. N.K. Sharma as General Secretary, 14 executives member remained in the Governing Body including Mr. Bhargava & Mr. Bhardwaj. As it reveals from the pleadings in the plaint, Mr. N.K. Sharma (expelled General Secretary) along with Mr. Bhargava & Mr. Bhardwaj without even consulting remaining 12 executives members of the Governing Body unauthorizedly and illegally decided to hold General Body Meeting and election. It is stated that such

process cannot be sustained in the eyes of law. Therefore, the Association cannot be represented through such alleged executives members who have themselves declared elected by adopting a procedure of their own. It is relevant to point out that the 5 permanent members of the Governing Body namely, Sh. R.K. Bhandari, Sh. Karnal Singh, Sh. Pramod Adlakha, Sh. N.K. Sethi, Prof. Dr. A.K. Saluja were not even informed or invited for the so-called AGM/election meeting purportedly held at the behest of Mr. N.K. Sharma the expelled General Secretary. It would also not be out of place to mention that there has been no challenge by Mr. Sharma as to his expulsion as General Secretary. It is stated that the present suit is liable to be rejected on this sole ground.

3. The contents of para 2 of the plaint are incorrect, false, misleading and are denied. It is specifically denied that Sh. Praveen Bhargava is the President of the Association and has full authority to sue on behalf of the Plaintiff. It is stated that Mr. Praveen Bhargava is a self proclaimed President. It is relevant to point out that if at all the so-called elected executives members of the Association are confident of the mandate, they would have welcomed the process of election, contest the election and get elected. It is stated that people like Mr. Praveen Bhargava is trying to undertake the affairs of the Association by back door process, which clearly shows their *mala fide* intentions. It is therefore stated that the present suit has been instituted by an unauthorized person and the same is liable to be rejected on this sole ground.

4. In response to the contents of para 3 of the Plaint, it is stated that the Association as mentioned herein above was incorporated on 29.05.1998. However, as mentioned herein above except for the year 2005 when the election were held only for the post of President & General Secretary, till date there has been no election. It is relevant to point out even in the year 2005, the election only for the post of General Secretary & President was held by raising of hands amongst the members present since Defendant no.1 who was Founding General Secretary had resigned for personal reasons.
5. The contents of para 4 of the Plaint are incorrect, false, manipulated and are denied. It is denied that there was any General Body Meeting on 28.01.2017 at 5:30 PM at Convention Hall, The Ashoka, New Delhi as alleged or at all. It is stated that Mr. N.K. Sharma the then General Secretary was expelled by the Governing Body on 15.11.2016 which was duly communicated vide email dated 18.11.2016 to Mr. N.K. Sharma. The said expulsion was neither challenged nor objected to. Therefore to say that the General Secretary moved the resolution in the General Body Meeting allegedly held on 28.01.2017 would be per se incorrect, manipulative and *mala fide*. It is stated that the *mala fide* acts of the then General Secretary would be obvious from the fact that they claimed to have changed the name of the Association from Alumni Association Delhi College of Engineering to DTU-DCE Alumni Association but for the present proceeding they continue to use the name Alumni Association Delhi College of Engineering. It is

denied that any valid resolution could be passed as claimed in the para under reply that unanimously a resolution was passed by voice vote and the election of the Governing Body of the Association was held as per the MOA as alleged or at all. It is stated that few members of the Association like Mr. Bhargava and Mr. Sharma are trying to create self-serving evidence. The Petitioner is put to strict proof about holding of election as per the MOA including to show notice clearly specifying an agenda in the General Body Meeting for holding the election in the same day. It is stated that an election without its declaration well in advance is completely undemocratic and cannot be valid even if it finds a mention in the MOA. It is stated that it is well settled law of the land that something contrary to the law cannot be the terms & conditions of a contract or a MOA like the present one. It may be appreciated that if such procedure is allowed to be adopted for holding of General Body Meeting by handful of persons then no association can function for the betterment of its members. It is relevant to point out that in the year 2016 Mr. N.K. Sharma, Mr. Praveen Bhargava had participated in holding of Annual Meet 2016 for which souvenir was also published with the Defendant no. 2 as the President. However, later due to personal differences, these people started opposing the Defendant no. 2 on various baseless grounds from recognizing Defendant no. 2 as President. It is for all these reasons that a dispute & difference between the executive member of the Governing Body, the election for the General Body Meeting are to be held as per the law and not at the

whims and fancies of handful members including an expelled General Secretary of the Association. It is incorrect to say that Sh. OP Gupta, an alumnus of 1972 batch as approved to be RO by the General Body Meeting. It is stated that the entire process of holding the so-called General Body Meeting on 28.01.2017 was *mala fide* and unlawful and anything done in the said alleged General Body Meeting cannot have the backing of the law of the land. It is stated that the entire alleged General Body Meeting and decisions taken there under was stage-managed by Mr. N.K. Sharma, the expelled General Secretary. It is denied that the members of the Governing Body have been constituted for the period 2017-19. The copies of the minutes of the alleged General Body Meeting purportedly held on 28.01.2017 is denied. The alleged report of RO for conducting elections of the Governing Body of the Association in the alleged GBM purportedly held on 28.01.2017 are denied. The Plaintiff is put to strict proof thereof. It is stated that as per the MOA the elected members of the Governing Body elect or nominate President and the General Secretary/office bearers. If this was so then the permanent founding members of the Governing Body ought to have been included, who were not even informed or invited for the best reason known to Mr. Sharma and his supporters. It is for this reason also that the alleged election process and nomination/appointment of the office bearers of the Governing Body could not be held to be valid.

6. The contents of para 5 of the Plaint are incorrect, false, manipulative and an eyewash and are denied. It is reiterated

that the alleged resolution to change the name of the Association was pre-determined and *mala fide* from the fact that the expelled General Secretary, Mr. N.K. Sharma and few other members with him prior to the alleged General Body Meeting created a new website domain by the name www.dtudcealumni.org similar to the website of the Association which is dcedtualumni.org. It would be relevant to point out that the website www.dcedtualumni.org is functioning till date as the official website of the Association. It manifests that these handful members *malafidely* circulated various notices/information on the newly created website to confuse the members of the Association and in order to establish their illegal claim as executives or as managing committee members of the Governing Body. It is stated that on 17.08.2017 the Association raised objection with the ROS, Gov. of NCT, Delhi after having come to know about filing of the application to change the name of the Association to the ROS by Mr. Praveen Bhargava. Till date neither the request made by the group headed by Mr. Praveen Bhargava and Mr. N.K. Sharma has been accepted by the ROS nor has been rejected accepting the objections raised by the Association.

7. The contents of para 6 of the Plaint are denied to the extent of extract of press clippings dated 03.02.2017 at Page 16 and alleged scholarship program. It is stated that these steps are in calculative nature and part of stage show manipulated by Mr. N.K. Sharma and Mr. Praveen Bhargava & Others to create self serving evidence.

8. The contents of para 7 of the Plaint are incorrect misleading and are denied. It is denied that there was any *mala fide* intention on the part of the answering defendants as alleged or at all. It is denied that the Defendant no.1 falsely claimed himself as RO and Defendant no. 2 declared himself the so-called President without having eligibility and authority. It is stated that the Defendant no. 1 was duly proposed and appointed as RO by the Governing Body on 12.01.2017 in the Governing Body meeting. It would be relevant to refer to the souvenir of the year 2016 when Defendant no.2 was shown as President of the Association where Mr. Praveen Bhargava, Mr. N.K. Sharma has also given their messages in the souvenir. It would be relevant to mention here that no dispute was raised even after publication of the souvenir of year 2016. It is stated that the dispute started to be raised by Mr. Sharma after it was found that his acts and omissions were not ethical and also not in the interest of Association. It is relevant to point out that Defendant no. 2 did not declare himself the so-called President vide advertisement dated 12.09.2017 as alleged in the para under reply. It is stated that the Defendant no.2 was declared President soon after stepping down of Mr. Karnal Singh as President of the Association on 11.12.2015. It would not be out of place to mention that Mr. N.K. Sharma, Mr. Praveen Bhargava and others never objected rather they were a party to accepting Defendant no. 2 as President of the Association after demitting the office by Mr. Karnal Singh. It is incorrect to say that the self proclaimed RO namely Pramod Adhlaka has invited nomination

to the election 2017 for Governing Council and hosting illegal election for the Association having the identical name and style which has already been in existence duly registered with ROS, Government of NCT, Delhi in the name of the Plaintiff. It is stated that the wrong which has been committed by Mr. N.K. Sharma, Mr. Praveen Bhargava and others is being imposed on the Defendant no.2 being the President of the Association along with other members who have adopted a democratic process to hold election inviting all the members of the Association. It is stated that the Defendant no. 2 represents the actual Association which is illegally being claimed by Mr. Praveen Bhargava & others. It is stated that Mr. Praveen Bhargava and others are playing fraud with this Hon'ble Court and has approached this Hon'ble Court with unclean hands and therefore the present suit is liable to be rejected and dismissed on this sole ground. It is relevant to note that if at all the intentions of the answering Defendants and the Association was *mala fide* the entire process of election and declaration of result could have been completed in a similar manner as that Mr. N.K. Sharma maliciously did by creating a similar website of the Association.

9. The contents of para 8 of the Plaint are manipulative, mischievous and are denied. It is stated that the purported notice issued on 18.09.2017 was received by the answering defendants on 19.09.2017 and for obvious reasons the present suit was instituted on 21.09.2017. This clearly shows that the said notice was sent without expecting or waiting for an answer

from the defendants. It is stated that such action on the part of the Mr. Praveen Bhargava and others demonstrate *mala fide* and malicious intention to derail a democratic process. It is stated without prejudice to the rights and contention that a fair, free and independent election may be ordered by this Hon'ble Court appointing an Observer to give a quietus to any dispute or difference which would be in the interest of the Association and welfare activities adopted by the Association.

10. In response to the contents of para 9 of the Plaint it is stated that publication of the so-called public alert notice on 20.09.2017 is part and parcel of the calculative move on the part of Mr. Praveen Bhargava and others to establish ground for filing the present suit and obtaining interim order in their favour. It is stated that by these calculative and malicious move Mr. N.K. Sharma and Mr. Praveen Bhargava and others have derailed democratic process of electing Governing Body members of the Association.

11. The contents of para 10 of the Plaint are incorrect, false, misleading and are denied. It is stated that the Defendant nos. 1 and 2 have neither declared election nor have proclaimed as RO and President of the Association as alleged or at all. It is stated that the Governing Body has declared the election and it decided to nominate the Defendant no.1 and RO who is well aware of the rules and regulations of the association being the founder member and founder General Secretary of the Association. It is further stated that the Defendant no. 2 has not proclaimed himself to be the President of the Association rather

he was inducted as the President of the Association immediately after Mr. Karnal Singh resigned as President of the Association in the year 2015. It is reiterated that all the members of the Association including Mr. Praveen Bhargava, Mr. N.K. Sharma and others knew and consented at the declaration of the Defendant no. 2 as President of the Association. As pointed out earlier, which is not being repeated herein for the sake of brevity that it is due to personal reasons set out herein above that Defendant no. 2 is being challenged as President. It is stated that Mr. Praveen Bhargava, Mr. N.K. Sharma and others are illegally trying to overtake the management and affairs of the Association by illegally claiming to be the members of the managing committee of the Governing Body without adopting the required procedure. It is reiterated at the cost of repetition that Mr. Praveen Bhargava is only a member of the managing committee and is claiming himself to be President of the Association without any basis.

12. The contents of para 11 of the Plaint are incorrect, misleading and are denied. It is incorrect to say that the Defendant no. 2 does not have the eligibility to become member as office bearer because he has not completed 10 years which is the prescribed minimum to become member as office bearer and it is in violation of the rules and regulation of the Societies of Registration Act. It is stated that the Defendant no. 2 has completed more than 10 years and therefore eligible to become as office bearer. Defendant no. 2 was member of the Association even in 2006 when he was inducted Member of

Organizing Committee in year 2006 and later was included as Executive Member in the Governing Body somewhere in 2011. In same year he was also appointed as Chairman Organising Committee 2011 and continued till 2015. Defendant no. 2 was appointed Vice President in 2014 by the General Body and later in 2015 the President Mr. Karnal Singh proposed Defendant no. 2 as the 'Alternate President in his place as and when he is not available'. It may be noted that Mr. Praveen Bhargava and Mr. N.K. Sharma were part & parcel of the Governing Body when on 11.12.2015 Mr. Karnal Singh has stepped down as President and the Defendant no. 2 was unanimously elected as the President. It is stated that all the Governing Body members were present including Mr. N.K. Sharma & Mr. Praveen Bhargava. It is stated that from 11.12.2015 the Defendant no. 2 has continued to lead the Association as President and was supported by the then General Secretary Mr. N.K. Sharma including Mr. Praveen Bhargava who is claiming himself to be the new President and representing the Plaintiff herein. It is stated that it is only after serious allegations were leveled against Mr. N.K. Sharma and proceedings were initiated that these people started raising objection in respect of Defendant no.2 being the President of the Association. It is stated that the Annual Meet of 2016 was held on 30.01.2016 under the chairmanship of Defendant no. 2 as President. It is stated that the souvenir 2016 published and released on 30.01.2016 at Annual Meet-2016 contain messages of the Defendant no. 2, Mr. Praveen Bhargava and Mr. N.K. Sharma. Needless to say

that Mr. N.K. Sharma being the then General Secretary and also Mr. Praveen Bhargava being the Chairman, Organizing Committee for Annual Meet-2016, had full control over the publication of the souvenir. It is stated that if at all, such issues in respect of Defendant no. 2 had existed the same should have been raised at the first place. It is stated that now the issue of completion of tenure of membership is being raised qua Defendant no.2 with ulterior motives. The Plaintiff is put to strict proof thereof.

13. The contents of para 12 of the Plaint are incorrect, misleading and are denied. It is denied that Defendant no. 1 has no concern with the Association. It is stated that the Defendant no. 1 continues to be the member of the Governing Body being one of the five permanent members in terms of the MOA of the Association. It is stated that besides this the Defendant no. 1 was invited by the Governing Body to act as the RO for conducting election of the Association for electing Managing Committee of the Governing Body. It is denied that the Defendant no. 1 has used identical or similar name to confuse the member of the Plaintiff and that he has no right to use the name of the Plaintiff Association. It is stated that it is Mr. Praveen Bhargava, Mr. N.K. Sharma and others who are illegally using the name of the Association with ulterior motive without having any role to play in the manner they are acting presently. It is stated that it is Mr. Praveen Bhargava, Mr. N.K. Sharma and others who are misusing the name of the Association without authority. It is stated that these persons are creating

self serving evidence. It is denied that the Defendant no. 1 and 2 have been continuously misusing and carrying on illegal and mischievous activity in the identical name and style of the Plaintiff Association with ill motive to mislead the public as alleged or at all. It is stated that it is Mr. Praveen Bhargava, Mr. N.K. Sharma, Mr. Bhardwaj and others who are carrying on illegal and mischievous activity and misusing the name of the Alumni Association Delhi College of Engineering. It is stated that acts and omissions on the part of these people are ill-motivated and to mislead the members of the Association. It is surprising as to how a General Secretary who were expelled from the post of General Secretary could organize General Body Meeting or election etc without inviting the President, permanent members and other members. It is stated that it is on these issues amongst other that the defendants state that the present proceeding are malicious and merits to be rejected.

14. The contents of para 13 and 14 of the plaint are incorrect, false, misleading, mischievous and are denied. It is incorrect to say that the Defendant no. 1 has acted illegally, unlawfully against the rights and interest of the Association. It is stated that the Association cannot be represented by Mr. Praveen Bhargava who has never been elected as President as claimed in the present proceedings. It is stated that the Defendant no.1 along with others mentioned in the MOA have created the present Association and cannot be a party acting against the interest of the Association. It is stated that the Defendant no. 1 was inducted as RO by the Governing Body of the Association to

ensure free and independent election. Unfortunately the people like Mr. N.K. Sharma, Mr. Praveen Bhargava and others who for their own illegal benefit and vested interests are trying to take control over the management of the Association. It is stated that the intention on the part of these people can be gathered from the fact that they are opposed to holding free and fair elections in a democratic manner. It is stated that the Defendant no. 1 and 2 are not holding or hosting any election without any authority. It is stated that it is the Governing Body headed by Defendant no.2 as President that Defendant no.1 was inducted as RO to hold election. It is stated that the defendant no. 1 took out notices acting as RO. It is wrong to say that the answering defendants have proclaimed themselves as RO and President. It is reiterated that the Defendant no. 1 was called upon by the Governing Body to act as RO for holding election. It is therefore stated that Defendant no. 1 has acted bona fide on the invitation of the Governing Body. It is further reiterated that Defendant no. 2 was elected President in the year 2015 when Mr. Karnal Singh stepped down as the President of the Association. It is stated that Mr. Praveen Bhargava and others are maliciously making false allegations in order to substantiate their illegal claim. The suit merits to be dismissed on this sole ground. It is wrong to say that the Plaintiff at any time requested the answering defendants not to hold the election and nomination thereof. It is stated that Mr. Praveen Bhargava is not the President of the Association and has no authority either to represent Alumni Association Delhi

College of Engineering or act in the name of Alumni Association Delhi College of Engineering. Mr. Praveen Bhargava is put to strict proof thereof. It is stated that people like Mr. Praveen Bhargava and Mr. N.K. Sharma are trying to illegally take over possession of the affairs of the Association who if not stopped would indulge in malpractices and misuse the name of the Association.

15. The contents of para 15 of the Plaint are denied in view of the averments and contentions made herein above which are not being repeated herein for the sake of brevity and the answering defendants crave leave of this Hon'ble Court to refer and rely upon the same as part and parcel of para under reply. However, it is specifically denied that there is any cause of action which arose to institute, present proceeding against the answering defendants. It is stated in absence of any cause of action the present suit is liable to be dismissed with cost.
16. The contents of para 16 of the plaint are false, incorrect and are denied. It is wrong to say that there is no impediment in grant of relief prayed. It is stated that the suit filed through Mr. Praveen Bhargava is malicious, ill motivated and does not call for grant of prayers made therein. It is stated that the present suit is liable to be dismissed with exemplary cost.
17. The contents of para 17 of the plaint are denied. It is stated that in absence of any cause of action the valuation of the suit for the purpose of court fee is incorrect and the Plaintiff is put to strict proof thereof.

In the facts and circumstances aforesaid and in the interest of justice it is most respectfully prayed that this Hon'ble Court may be pleased to reject the plaint and dismiss the suit with exemplary cost.

Defendant No.1

Defendant No. 2

New Delhi

Dated: 23.11.2017

Through

(Apoorva Agrawal, Abhishek Singh
& Hemant Sharma)
Advocates for the Defendant Nos.1 & 2
LB-9&10, Gauri Sadan,
5, Hailey Road,
New Delhi-110001.

VERIFICATION:

Verified at New Delhi on this the day of November 2017 that the contents of paragraphs 1 to 14 are true and correct to my knowledge and the records available and that of contents of paragraphs 1.1, 1.3, 15-17 are true on the basis of the legal advise received and are believed to be correct. The last paragraph is by way of the prayer made to this Hon'ble Court.

Defendant no. 1

Defendant no.2

IN THE COURT OF SH. PRASHANT SHARMA, SCJ CUM RC, (CENTRAL),
TIS HAZARI COURTS, DELHI.

CS No. 3023 of 2017

IN THE MATTER OF:

Alumni Association Delhi College
of Engineering

...Plaintiff

Versus

Pramod Kumar

...Defendant

AFFIDAVIT

I, Pramod Adlakha, S/o Late Sh. P.N. Adlakha aged about 68 years
R/o BU-201, Pitampura, Delhi, do hereby solemnly affirm and state as
under:

1. That I am the defendant no. 1 in the above suit and well
conversant with the facts and circumstances of the case and in
such capacity competent to depose by way of the present
affidavit.
2. That the accompanying written statement has been drafted by
my counsel under my instructions and the contents thereof
have been read over and explained to me and I admit them to
be true and correct.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ day of November 2017 that the
contents of above affidavit are true and correct to the best of my
knowledge and belief and no part of it is false and nothing material
has been concealed therefrom.

DEPONENT

IN THE COURT OF SH. PRASHANT SHARMA, SCJ CUM RC, (CENTRAL),
TIS HAZARI COURTS, DELHI.

CS No. 3023 of 2017

IN THE MATTER OF:

Alumni Association Delhi College
of Engineering

...Plaintiff

Versus

Pramod Kumar

...Defendant

AFFIDAVIT

I, Sanjay Diwan, S/o Late Sh. B. S. Diwan aged about 59 years R/o D-604, Asiana, Mayur Vihar, Ph-I, Extn., New Delhi-110091 do hereby solemnly affirm and state as under:

3. That I am the defendant no. 2 in the above suit and well conversant with the facts and circumstances of the case and in such capacity competent to depose by way of the present affidavit.
4. That the accompanying written statement has been drafted by my counsel under my instructions and the contents thereof have been read over and explained to me and I admit them to be true and correct.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ day of November 2017 that the contents of above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

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TIS HAZARI COURTS, DELHI.

CS No. 3023 of 2017

IN THE MATTER OF:

Alumni Association Delhi College
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...Plaintiff

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affidavit.
2. That the accompanying application u/O 8 R. 1 r/w S.151 CPC
has been drafted by my counsel under my instructions and the
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DEPONENT

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such capacity competent to depose by way of the present
affidavit.
2. That the accompanying application U/o XXXIX R. 4 has been
drafted by my counsel under my instructions and the contents
thereof have been read over and explained to me and I admit
them to be true and correct.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ day of November 2017 that the
contents of above affidavit are true and correct to the best of my
knowledge and belief and no part of it is false and nothing material
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DEPONENT

IN THE COURT OF SH. PRASHANT SHARMA, SCJ CUM RC, (CENTRAL),
TIS HAZARI COURTS, DELHI.

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IN THE MATTER OF:

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AFFIDAVIT

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1. That I am the defendant no. 2 in the above suit and well conversant with the facts and circumstances of the case and in such capacity competent to depose by way of the present affidavit.
2. That the accompanying application U/o XXXIX R. 4 has been drafted by my counsel under my instructions and the contents thereof have been read over and explained to me and I admit them to be true and correct.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ day of November 2017 that the contents of above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

IN THE COURT OF SH. PRASHANT SHARMA, SCJ CUM RC, (CENTRAL),
TIS HAZARI COURTS, DELHI.

CS No. 3023 of 2017

IN THE MATTER OF:

Alumni Association Delhi College
of Engineering

...Plaintiff

Versus

Pramod Kumar

...Defendant

LIST OF DOCUMENTS ALONG WITH DOCUMENTS

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1.	Copy of extract of Souvenir of the Alumni Association Delhi College of Engineering/DCE-DTU Alumni Association for the years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.	30-109
2.	Copy of extract of Alumni Directory of the year 1996 and 2002.	110-114
3.	Copy of newsletter of Delhi College of Engineering for January, 1993.	115-116
4.	Copy of photographs of Annual Alumni Meet for the years 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.	117-131
5.	Copy of photographs of event "Udaan Startathon" held in Jan, 2016.	132-133
6.	Copy of photographs of Orientation Programme for the years 2013-14, 2016 and 2017.	134-142
7.	Copy of website of dcedtualumni.org migrated on March 14, 2015.	143-146
8.	Copy Minutes of the AGM held on 22.01.2005.	147-148
9.	Copy of e-mail of Sh. Karnal Singh dated 04.01.2016 along with minutes of EC meeting held on 11.12.2015.	149-151
10.	Copy of Minutes of EC meeting held on 10.01.2016.	152-156
11.	Copy of Minutes of meeting of EC held on 21.01.2016.	157-161
12.	Copy of Minutes of Meeting of EC meeting held on 14.07.2016.	162-165
13.	Copy of Emails- dated 25.09.2016 and 10.10.2016 sent by the Defendant no.2.	166-169
14.	Copy of Minutes of EC meeting held on 20.10.2016.	170-171
15.	Copy of letter dated 07.11.2016 sent to SDM/ROS by GC members of the Association.	172

16.	Copy of Minutes of Meeting of EC dated 15.11.2016 along with resolution.	173-178
17.	Copy of letter dated 28.11.2016 sent by Dr. Dipti Mal to Branch Manager, Punjab & Sind Bank.	179
18.	Copy of Minutes of GC meeting held on 27.12.2016.	180-182
19.	Copy of e-mail dated 30.12.2016 regarding DCE-DTU Alumni Annual Meet 2017.	183-184
20.	Copy of minutes of GB meeting held on 06.01.2017.	185-186
21.	Copy of minutes of meeting of GC held on 12.01.2017.	187-190
22.	Copy of letter dated 16.01.2017 sent to ROS regarding expulsion of Mr. Navneet Sharma.	191-197
23.	Copy of e-mail dated 26.01.2017 sent by Sh. Akhil Choudhary to EC members of the Association.	198-199
24.	Copy of e-mail dated 27.01.2017 regarding invitation for GBM & Annual Alumni Meet on 28.01.2017.	200-201
25.	Copy of e-mail dated 27.01.2017 sent by Sh. N.K. Sethi regarding request for stoppage of illegal AGM to be held on 28.01.2017.	202
26.	Copy of invitation for GBM & Alumni Meet 2017 held on 28.01.2017.	203-204
27.	Copy of letter dated 08.02.2017 sent to SDM, ROS.	205-206
28.	Copy of letter dated 26.04.2017 sent to ROS by Defendant no.1.	207
29.	Copy of letter dated 03.05.2017 sent by Chief Manager, Punjab & Sind bank to Sh. Dipti Mal and Defendant no.1.	208
30.	Copy of letter dated 06.05.2017 sent to Branch Manager, Punjab & Sind Bank by the Defendant no.1.	209-210
31.	Copy of letter dated 12.05.2017 sent to Branch Manager, Punjab & Sind Bank by the Defendant no.1.	211
32.	Copy of letter dated 18.05.2017 sent to Branch Manager, Punjab & Sind Bank by members of the Association.	212-213
33.	Copy of letter dated 18.05.2017 sent to ROS by GC members.	214-216
34.	Copy of e-mail dated 12.06.2017 sent by Prof. S.K. Singh to Defendant no.2.	217-218
35.	Copy of letter dated 11.07.2017 sent by SDM, ROS, Central District to Defendant no. 2.	219
36.	Copy of e-mail dated 29.07.2017 sent to Defendant no.2 by Prof. Rajeshwari Pandey.	220
37.	Copy of letter dated 11.08.2017 sent by Defendant no.1 to ROS.	221
38.	Copy of letter dated 17.08.2017 sent by	222-224

	Defendant no.2 to ROS.	
39.	Copy of letter dated 23.08.2017 sent to Sh. B.L. Meena, ROS by Defendant no.1 alongwith annexures.	225-231
40.	Copy of photograph of inauguration of office of the Alumni Association on August 1, 2013.	232-233
41.	Copy of domain information of dtudcealumni.org	234

New Delhi
Dated: 23.11.2017

Through

(Apoorva Agrawal, Abhishek Singh
& Hemant Sharma)
Advocates for the Defendant Nos.1 & 2
LB-9&10, Gauri Sadan,
5, Hailey Road,
New Delhi-110001.

**IN THE COURT OF SH. PRASHANT SHARMA, SCJ CUM RC,
(CENTRAL), TIS HAZARI COURTS, DELHI.
CS No. 3023 of 2017**

IN THE MATTER OF:

Alumni Association Delhi College
of Engineering

...Plaintiff

Versus

Pramod Kumar & Anr.

...Defendant

AND IN THE MATTER OF:

**APPLICATION UNDER ORDER 8 RULE 1 READ WITH SECTION
151 CODE OF CIVIL PROCEDURE, 1908 SEEKING EXTENSION
OF TIME FOR FILING WRITTEN STATEMENT.**

The Applicant/Defendants most
Respectfully states as under:

1. That the aforesaid suit is pending adjudication before this Hon'ble Court in which by the order dated 27.09.2017 the Defendants were granted 30 days time to file written statement.
2. That despite due diligence by the Defendants the written statement in the present case could not be filed within the period of 30 days, however, the same is being filed within _____ days i.e. to say _____ number of days beyond the time granted by this Hon'ble Court.
3. It is stated that it has taken considerable long time to cull out documents to file along with the written statement which were necessary for preparing the written statement. It is stated that on this account the written statement could not be filed within 30 days time granted by this Hon'ble Court to file the written statement.

4. That _____ days beyond 30 days granted by this Hon'ble Court to the defendants to file the written statement has occurred due to reasons beyond the control of the Defendants, which is not deliberate nor intentional on the part of the Defendants, but due to circumstances beyond the control of the Defendants.
5. That serious prejudice would be caused to the Defendants if the time for filing the written statement is not extended by _____ number of days by this Hon'ble Court.
6. That the present application is filed *bona fide* and it is otherwise in the interest of justice to allow the present application.

P R A Y E R

In the facts and circumstances of the present case, it is most respectfully prayed that this may graciously be pleased to:

- a) Extend the time for filing the written statement by _____ number of days beyond 30 days as directed by this Hon'ble Court vide order dated 27.09.2017;
- b) Take the written statement on record filed along with this application;
- c) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

New Delhi
Dated: 23.11.2017

Through

(Apoorva Agrawal, Abhishek Singh
& Hemant Sharma)
Advocates for the Defendant Nos.1 & 2
LB-9&10, Gauri Sadan,
5, Hailey Road,
New Delhi-110001.

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4.	Vakalatnama	241

New Delhi
Dated: 23.11.2017

Through

(Apoorva Agrawal, Abhishek Singh
& Hemant Sharma)
Advocates for the Defendant Nos.1 & 2
LB-9&10, Gauri Sadan,
5, Hailey Road,
New Delhi-110001.