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MES BUILDERS ASSOCIATION OF INDIA (REGD)
807-808, Sahyog 58, Nehru Place, New Delhi-110019
Dispute Redressal and Reconciliation Committee (DRRC) 2023-25

Ref. No. MBAI HQ / DRRC /2023 -2025/ 67

Date 16th May 2025

IN THE MATTER OF DISPUTES
ARRISES UPON ONSUING ELECTIONS OF MES BUILDERS ASSOCIATION OF INDIA (REGD)

BEFORE

The Disputes Redress and Reconciliation Committee called DRRC of MEs Builders Association of India (Regd) , HQ MES BAI New Delhi 807-808, Sahyog 58, Nehru Place, New Delhi-110019

BETWEEN THE

- 1)Kumar Ashok
Sr Vice President ,HQ MES BAI
- 2)Er Rajeev Chowdhary
(Ex) CEC (203-2025 Term)
- 3) Sh Harpal Singh
Council member, Bareilly Branch

The PETITIONER / COMPLAINT

AND

ELECTION COMMISSION(ELECTION TERM 2025-2027)

HQ MES BAI , 807-808, Sahyog 58,
Nehru Place, New Delhi-110019
Represented By
Sh Praveen Mahana
Chief Election Commissioner, (Election Term 2025-2027)
MES BAI

THE RESPONDENT



To,

- 1) The Kumar Ashok
Sr Vice President, HQ MES BAI
- 2) Er Rajeev Chowdhary
(Ex) CEC (203-2025 Term)
- 3) Sh Harpal Singh
Council member, Bareilly Branch

4) ELECTION COMMISSION (ELECTION TERM 2025-2027)
HQ MES BAI , 807-808, Sahyog 58,
Nehru Place, New Delhi-110019
Represented By
Sh Praveen Mahana
Chief Election Commissioner, (Election Term 2025-2027)
MES BAI

Be it known that I on behalf of DRRC have made this on 16th day of May 2025 and signed in the above matter. A signed copy of the award is enclosed herewith. The award has been made on stamp paper of appropriate value as applicable.

Given under my hand this 16th Day of May 2025

On behalf of all members of DRRC



(Lakhbir Singh)
Chairman DRRC (2023-2025) lakhbirconstructions@rediffmail.com .

(Signed Copy of Awards with Annexure 14 Pages kept in record)

Copy To:-

- 1 Members DRRC
- 2 The Hony General Secretary
HQ MES BAI HQ MES BAI , 807-808,
Sahyog 58, Nehru Place,
New Delhi-110019 – along with the
Copy of Award – with directions to
made arrangement to upload the Award
on MES BAI official Website on
priority basis



सत्यमेव जयते

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Certificate Issued Date : 05-May-2025 07:04 PM
Account Reference : IMPACC (CR)/ dl891110/ DELHI/ DL-NDD
Unique Doc. Reference : SUBIN-DL89111098226060955996X
Purchased by : LAKHBIR SINGH
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : MES BUILDERS ASSOCIATION OF INDIA REGD
Second Party : Not Applicable
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Stamp Duty Amount(Rs.) : 100
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IN THE MATTER OF ARBITRATION AND CONCILIATION ACT - 1996

AND

IN THE MATTER OF DISPUTES

ARRISES UPON

ENSUING ELECTIONS OF MES BUILDERS ASSOCIATION OF INDIA (REGD)

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AWARD

IN THE MATTER OF DISPUTES

ARRISES UPON ENSUING ELECTIONS OF MES BUILDERS ASSOCIATION OF INDIA (REGD)

BEFORE

The Disputes Redress and Reconciliation Committee called DRRC of MEs Builders Association of India (Regd) , HQ MES BAI New Delhi 807-808, Sahyog 58, Nehru Place, New Delhi-110019

BETWEEN THE

- 1) Kumar Ashok
Sr Vice President ,HQ MES BAI
- 2)Er Rajeev Chowdhary
(Ex) CEC (203-2025 Term)
- 3) Sh Harpal Singh
Council member, Bareilly Branch

The PETITIONER / COMPLAINT

AND

ELECTION COMMISSION(ELECTION TERM 2025-2027)

THE RESPONDENT

HQ MES BAI , 807-808, Sahyog 58,
Nehru Place, New Delhi-110019
Represented By
Sh Praveen Mahana
Chief Election Commissioner, (Election Term 2025-2027)
MES BAI



IN THE MATTER OF ARBITRATION AND CONCILIATION ACT - 1996
AND
IN THE MATTER OF DISPUTES
ARRISING UPON
ENSUING ELECTIONS OF MES BUILDERS ASSOCIATION OF INDIA (REGD)

Brief History:-

1.1 Whereas an Election commission constituted by Council in Council meeting held on 09th April 2025 at Bhopal in accordance with the Article No 11(a) of Memorandum and Articles of M.E.S. Builders Association of India (Regd) {hereinafter will be referred as MOA} to conduct Elections of Branches and HQ for Election Term 2025 -2027 comprising of Sh Praveen Mahana as Chief Election commissioner along with Sh Amit Bhaduri and Sh Naveen Yadav as Election Commissioners.

1.2 And Whereas certain irreparable disputes arises on account of unconstitutional actions taken by the Election Commission beyond its Domain and designated powers and aggravated by the unethical & politically motivated biased actions, the Petitioners / Complainant approached the DRRC to adjudicate the matter on Priority Basis.

1.3 Before entering into the Arbitration Proceedings, the DRRC had firstly Decide that is the DRRC is Authorized to adjudicate this matter as per the MOA of MES Builders Association of India (Regd)?

For that purpose the Provisions **Article No 23(a), 23(e) & 23(f) of MOA** which are as stated Below:

(i) **Article No 23(a) Under Heading Dispute :-** If any dispute arises among the members/ branches in case of any matter whatsoever including elections, etc.: the same shall be referred to a Dispute Redress and Reconciliation Committee called DRRC

(ii) **Article No 23(e):- DRRC shall decide the matter pertaining to all disputes and the decision of DRRC shall be final and binding on all the parties.** The DRRC shall have all the powers as per the Arbitration Act, 1996 and shall settle the matter within 2 months of referring of Disputes.

(iii) **Article No 23(f):-**If any point of time any misunderstanding crops up regarding any clause /rule/explanation of this Memorandum of Article, matter shall have to be referred to the DRRC for proper and just clarification /interpretation of the same. **Interpretation recommended by the DRRC will be final and binding.**

1.4 From the perusal of Article No 23(a), 23(e) & 23(f) of MOA the DRRC comes to its conclusion that The DRRC had **competent to adjudicate any matter of Disputes at any point of Time** arises between the Two parties.

1.5 In the present Case dispute arises between the Complainants viz Kumar Ashok, Sr Vice President ,HQ MES BAI, Er Rajeev Chowdhary (Ex) CEC (203-2025 Term) and Sh Harpal Singh Council member, Bareilly Branch and the Respondent Election Commission represented by the Chief Election Commissioner Sh Praveen Mahana.

2. Facts Of Complaint:

2.1 The complainants Kumar Ashok, Sr Vice President, HQ MES BAI ,Er Rajeev Chowdhary (Ex) CEC (2023-2025 Term) and Sh Harpal Singh Council member, Bareilly Branch approached to the DRRC



After knowing gross injustice and irregularities' committed by The Election Commission through the communications made by the President of Association Sh G S Mago under his WhatsApp Messages, letters written from the Desk of President about his inability to discharge his duties at the Time of crises when many Important issues viz Amendments to I.A.F.W. - 2249, Re- enlistment of Contractors for Next Cyclic period in process and Reclassification (increase in Tendering limit) of Contractors is at finalization stage.

2.2 The President of association SH G S Mago repeatedly made allegations Against the Election Commission under his various communications summarized below:-

2.2 (a) WhatsApp Message:-

***Message From the Desk of President G S MAGO**

- (i) Hello my builder brothers
- (ii) I wish to convey my deeply disturbing developments related to HQ working and Chief election commissioner
- (iii) So far it was given to understand at large that newly elected CEC will ensure unbiased kind of working as was promised by him during Bhopal meeting post-election results which was evident till last few days
- (iv) Presently the CEC has taken over almost all works of HQ by changing passwords of official mail ID which is a serious cause of concern. This act of CEC has left the team HQ helpless and made the team defunct since no communication can be exchanged
- (v) It has been a precedence that CEC would create a separate mail ID to communicate public at large related to election matters which is well on record
- (vi) Now freezing official mail by CEC compels me to come before you all for your kind views :-
- (vii) Was this team chosen to serve at HQ for a period of 21 months in lieu of 24 months???
- (viii) Kindly educate me as to how shall this team keep performing for rest of the period without having control over official mail ID
- (ix) What is the cause and intent to sabotage the official working of elected office bearers
- (x) How to receive communication from various members and how to re communicate any unforeseen burning matters if any , who shall be held responsible for any lapse
- (xi) Moreover under which authority the CEC has freezed mail ID and who know tomorrow all bank accounts gets freezed too
- (xii) Therefore in the current atmosphere where a complete arrogant and biased style of work by CEC is being portrayed , it is impossible for current HQ office bearers to perform their official obligations in respect of builder community
- (xiii) Kindly feel free to suggest your views so that any misconception and untoward situation be countered
- (xiv) I am hopeful that community at large would take cognizance of such arrogant and undemocratic approach by newly elected CEC
- (xv) It further forces me to think as to how the elected CEC would ensure justice, fair and free elections in coming days
- (xvi) Please also be informed that present Office bearers are no longer in control over official mail and please understand that no official response can be placed by legitimate and legal office bearers
- (xvii) Hope you all would bear with the situation so crafted by CEC unilaterally
- (xviii) It gives me sense that elected CEC is acting to heal the loss of last national election in a planned political vendetta

Jai Hind

Gurcharan Singh Mago
President
HQ
MES Builders association of India

2.2 (b) From the Desk of
President MESBAI "Sahi and Sachi baat"
Communication No1 Dated 01May2025

Dear MESBAI Member

HAPPY MAY 2025

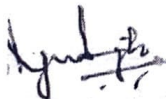
1..With very heavy heart I want to apprise you that Election Commission has hacked the MES BAI web site www.mesbai.in and email ID mesbai75@yhahoo.com since Saturday 26th Apr2025 which we come to know on Monday 28th Apr 2025.

2. Refer para 11"Election Page 20 (e) (i) of MES BAI Memorandum and Articles of Association" amended up to 31 Jul 2024 which is reproduced hereunder:-

"A separate election secretariat will start functioning at the HQ which will deal with all election related matters. The office superintendent will be accountable only with EC regarding the election related matters. No other office bearer what so ever can intervene in any matter, related to election except the EC".

3.. EC issued Circular vide No 01 dated 14.04.2025 had created email ecmbai1327@gmail.comexclusively for their own better functioning as per their convenience.

4.. However, EC got the OTP from HQ office staff and changed the email ID, password and mobile Number of official email site and web site on the 26th April 2025. Now they have full control on



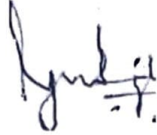
official email and web site of HQ which isabsolutely beyond their authority as defined in MOA .Refer Para 2.

5. HQ working in all respect has been crippled/ break down. HQ cannot do any communication from HQ as well response to mail received from MES authority, MES BAI Branches, Vendor and many more institutions/persons who want to communicate with the HQ MES BAI
6. President in person contacted "CEC" many times through mobile and asked not to do such acts which are "Anti Association Activity" on their part But they are adamantly and unauthorized strict to their act and do not want to amend. Lastly at 11.30 AM on 29.04.2025 cat gorily conveyed to me that they will not pass on ID email and web site to HQ official and will control them. Further conveyed that they have no problem if" you may take any action "you may like to take at your end on this issue.
7. I exhausting my efforts and having no other option left with me, most reluctantly taking legal advice to take action to file a case to Cyber Crime cell. There is apprehension of altering deletion or stealing of data completely / partly from HQ office record.
8. The CEC has earlier also interfere in DRRC domain, photocopying official files in HQ office and now hacked website and email ID of HQ which is not in their purview. CEC has overtaken the complete administration and day to day functioning of HQ. This has badly affected in discharging my duties as per 13(a) of MOA.
9. Presently I am advising you not to upload any email or take any data from website till a decision on the



issue is conveyed to you. You can upload on MES BAI email ID mesbai075gmail.com

10. I assure you that wisdom will prevail and strict disciplinary action will be taken.



G S Mago
President HQ MES BAI, New Delhi 01May2025

2.2(c) From the Desk of President MESBAI" Sahi and Sachi Baat"
Communication No 2 Dated 01May2025

Dear MBAI Member

Greeting of the Day.

As per MESBAI MOA amended up to 31.07.2024 there are three main constitutional bodies responsible for conducting the administration of MES BAI.

1. **Head Quarter Office Bearers**

- (a) The tenure of the elected office bearers are of one term of two years. Refer 11 Election (g)(v) of MOA and will take over in the installation ceremony in 1st Council Meeting of the newly constituted council but not later than 31 July of election year. Refer 11.Election (g)(viii) of MOA.
- (b) Thus term of HQ office bearers is July to July end for two years.

2. **Election Commission.**

- (a). Refer 11 Election(b)."In the Council meeting of April of election year the CEC will be constituted".
- (b). Refer 11Election(e)(i)."Duties of the EC regarding Branch Election "of MES BAI MOA. A separate election secretariat will start functioning at the HQ which will deal with all election related matter.The office superintendent will be accountable only with EC regarding the election related matters.

No other office bearer what so ever can intervene in any matter, related to election except the EC.

- (c). Refer 11 Elections (g) (x)."The Election Commission continued as per the Article No 11(a) of MOA will be continued till up to Next Election Commission being selected/ elected by the council as per the Article No 11(a) of MOA. Moreover the members of Election Commission will be deemed to be council member for that term for which they had conducted the Elections as per the definition given in para (q) of chapter under definition of MOA of Association".

- (d) Thus the term of EC is April end to April end for two years

3. **DRRC**

- (a) Refer Dispute 23(g) "Term of any such elected/Selected DRRC will expire immediately after the new council elects the New DRRC for the tenure in the 2nd Council meeting."
- (b) Thus the tenure of DRRC elected/selected will be till " the new council elect the new DRRC for the tenure in the 2nd council meeting"

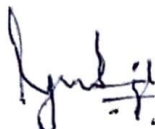


- (c) Thus the term of DRRC is for two years from 2nd Council Meeting in the election year till the 2nd council meet in next election year.

Conclusion

Duties and tenure of all the three bodies are well defined in the MOA. All have their specific responsibilities and are INDEPENDENT . Any one body cannot interfere in the area/operation of other Body for the tenure for which they have been constituted /elected.

JAI HIND / JAI MES BAI



G S Mago
President HQ MES BAI, New Delhi

Term 2023-2025

2.2(d From the Desk of President MES "Sahi and Sachi Baat"

Communication No3 Dated 02May 2025

Dear MES BAI Member

Greeting of the Day. •

You are aware that HQ MES BAI email ID and web site has been hacked by CEC on 26thApr 2025 .By this unlawful act HQ office Secretariat and HQ office bearers have been prevented to discharges their duties in terms of MOA MES BAI.

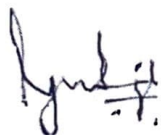
I would like that everyone should know that due to this unlawful activities of CEC, MES BAI Association may suffer financially, reputation and members/Branches will be deprived of getting information sought by them, uploading the data of members for updating the information for extending Insurance Policy being forwarded by Branches and sharing of policy letters from E-in-C's office etc.

MOST IMPORTANT HQ MAY FAIL IN UPLOADING THE STATUTORY COMPLIANCE AS PER ACT OF PF, GST AND INCOME TAX WHICH REQUIRE MONTHLY COMPLIANCE.

Let everybody should know that any **Penal Action, Penalty** is imposed and any other action is taken by authorities due to default on the part of HQ office Secretariat and Treasure of HQ not able to compliance as per requirement of various

Acts, will be attributable to CEC due to their unlawful action of hacking MES BAI email and web site.

JAI HIND / JAI MES BAI



G S Mago
President HQ MES BAI, New Delhi
Term 2023-2025



2.3 Aggravated by knowing the unlawful and anti-Association activities from the Presidents Communications, the complainants Kumar Ashok, Sr Vice President, HQ MES BAI, Er Rajeev Chowdhary (Ex) CEC (203-2025 Term) and Sh Harpal Singh Council member, Bareilly Branch had made complaints to DRRC to intervene immediately to save the Association which was put on stake by the Election Commission as per the communications made by the President Sh G S Mago and save the Democratic set up of this prestigious Association. The election Commissions' Anti Association and Biased Activities completely halted working of HQ office functioning from 26th April onwards which had resulted into Irreparable effects on contractors' fraternity due to complete disruption in HQ office Bearers working in spite of repeated requests made by the President of Association to the Election commission.

2.4 It was also reported by the President of Association that on 26th April 2025, the email ID & HQ MES BAI Official Web Site was also hacked unauthorised way by the Election Commission with the support of Hony General secretary Sh Sandeep Srivastav and taken under their control of the Election Commission. This action of Election commission was a Gross biased action and a serious breach of their designated powers conferred to the Election Commission and was beyond their Domain. President also had conveyed that he has a apprehension that the data available on Email ID and HQ official Website might be copied, Tempered Or altered in personal interest to support any Individual Group of Persons which is supposed to be a serious misconduct on part of Election Commission.

2.5 This was also reported by the President of association Sh G s Mago that the members of Election Commission was found taking Photo copies of old files which does not falls under their Election conducting Duties.

2.6 This was also reported that No transparency is being maintained by the Election Commission so far in Ensuing Election Process and issuing biased and unwarranted Instructions to support one individual Group, some are not covered under the Domain of Election commission.

3.1 After receiving the complaints from complainants and knowing the disastrous Situation of HQ office working which was collapsed on account of unauthorised actions taken by Election Commission on taking full control on HQ Office staff, Hacking of official Email ID & Official Web Site of MES BAI etc established from the various communications made by Presidents refereed in preceding Paragraphs as stated above, the DRRC members express to call a Urgent DRRC meeting to control the further irreparable damages to the Association. Accordingly a urgent DRRC meeting was called on 03rd May 2025 vide DRRC letter No MBI/HQ/DRRC/2023-2025 /%4 dated 02nd May 2025 through VC via Google Meet.

3.2 All concerned i.e. All members of DRRC including (Ex) Officio members, all complainants and the Respondent Election Commission represented by Sh Praveen Mahana were informed via email, WhatsApp messages and by Telephonically through HQ registered mobile Number and all were requested to attend the meeting through VC by link shared via Google Meet on 03rd May 2025 at 11:30AM, time rescheduled to 05:30 PM on President Sh G S Mago's request.



4.. Proceedings of DRRC :-

4.1 The Scheduled meeting of the DRRC through VC via Google meet commenced on 03rd May 2025 at 05:30 PM onwards with the following members of DRRC , Complainant and President Sh G S Mago:-

- (i) Sh Lakhbir Singh, Chairman DRRC
- (ii) Sh AJAY KUMAR JAIN, MEMBER DRRC
- (iii) Sh Surjeet Singh, MEMBER DRRC
- (iv) Sh Papinder Singh Gujral , MEMBER DRRC
- (v) Sh Sanjay Mittal, MEMBER DRRC
- (vi) Sh G S Mago ,President (Ex) Officio DRRC Member
- (vii) Complainants in this matter :-

(a) ~~Sh Kumar Ashok, Sr Vice president HQ MES BAI~~

(b) Sh Rajeev Chowdhary (Ex) CEC 2023-2025 Term

(c) Sh Harpal Singh , Council member Bareilly Branch

4.2 Sh Sandeep Srivastav, Hony Gen Secretary HQ MES BAI (EX) OFFICIO DRRC Member, expressed his unwillingness to attend the DRRC meeting due to his prior appointments.

4.3 The respondent Election Commission represented by the Chief Election commissioner Sh Praveen Mahana neither himself attended the meeting nor deputed other Election Commissioner without any information to the DRRC though informed and reminded before the start of V C Meeting. As such, the DRRC decides to proceed with adjudicating the matter put forward to it looking to the urgency and necessity Ex Party...

4.4 The complainant, Sh Kumar Ashok, Sr Vice president HQ MES BAI, Sh Rajeev Chowdhary (Ex) CEC 2023-2025 Term and Sh Harpal Singh , Council member Bareilly Branch who had made specific complaints against the unethical and unconstitutional actions taken by the Election Commission beyond their Domain of duties known to them by President Sh G S Mago sir's communications and appeals' and demanded strong disciplinary action against the members of Election Commission and demanded the Dissolution of Current Election Commission and reconstitute new Election Commission to conduct ensuing Elections of Election Term 2025-2027 since the Election Commission gone beyond the acceptable levels of breach of trust.

4.5 The complainant further stated that the complete closer of HQ office working had resulted in irreparable losses to the Contractors fraternity at the time when very crucial issues viz many Important issues viz Amendments to I.A.F.W. - 2249, Re- enlistment of Contractors for Next Cyclic period in process and Reclassification (increase in Tendering limit) of Contractors is at finalization stage . Also the hacking of email ID and Official Web Site of HQ MES BAI by
The Election commission has committed heinous Crime committed by the election commission which warrants top most penalty on Election commission and to restore the Email ID & Web Site and to prevent the same in near future and demanded the Dissolution of Current Election Commission and reconstitute new Election Commission to conduct ensuing Elections of Election Term 2025-2027 since the Election Commission gone beyond the acceptable levels of breach of trust.

4.6 Than thereafter DRRC requested to President G S Mago Sir to Brief about the all the facts in sequence in the matter. Mr President G S Mago briefed to DRRC all about the matter in sequence which he



expressed in his WhatsApp message, His communication from Presidents Desk Sr No 1, 2 &3 (Already made part above in Para 2.2(a), Para 2.2(b), Para 2.2(c) & Para 2.2(d).

4.7 Sh G S Mago, President of Association strongly condemned the actions of Election Commission by way of committing antitrust and anti-Association activities by way of Hacking of Official Email ID of HQ, MES BAI Official Web Site and unauthorized control on HQ office staff which crippled complete working of HQ Office Bearers to perform their designated duties and damaged the Reputation of the Esteemed Association who had entered in 50 Glorious years of legacy.

4.8 Sh G S Mago, President of Association is expressed his deep anguish about the unethical and Dictatorship like manner working of Election Commission which he expressed in his communications and condemned all the actions of Election Commission .He demanded that DRRC should take immediate cognizance on unethical, Biased and anti-Association activities and take strong disciplinary action and demanded maximum penalty by way of Dissolution of Current Election Commission and reconstitute new Election Commission to conduct ensuing Elections of Election Term 2025-2027 since the Election Commission gone beyond the acceptable levels of breach of trust.

4.9 Sh AJAY KUMAR JAIN, MEMBER DRRC , Sh Papinder Singh Gujral , MEMBER DRRC, Sh Sanjay Mittal, MEMBER DRRC & Sh Surjeet Singh, MEMBER DRRC had also strongly condemned the actions of Election Commission by way of committing anti-Association activities by way of Hacking of Official Email ID of HQ, MES BAI Official Web Site and unauthorized control on HQ office staff which crippled complete working of HQ Office Bearers to perform their designated duties and damaged the Reputation of the Esteemed Association who had entered in 50 Glorious years of legacy.

4.10 The chairman of DRRC Sh Lakhbir Singh expressed his complete agreement with the views Expressed by the Sh G S MAGO ji ,President of Assertion and other members of DRRC and in agreement with the actions to be taken by DRRC against the Election Commission as suggested.

5.1 Legal Opinion :- Before going to final Conclusion and to pronounce the Decision , a legal opinion on The whole matter was obtained which is appended below -->

Powers of elected Chief Election Commissioner and Elected Election

Commissioner of Election Commission of MESBAI

1. The definition Clause 1 of MOA defines Council Members which includes Elected Chief Election Commissioner and Elected Election Commissioner of Election Commission (EC) under sub clauses vii and viii.
2. The powers of the election commission along with the election commissioner as provided under Article 11 of the MOA which provides for election of HQ and branch.
3. **Duties and Powers of the EC Clause: Article 11(e)**
 - **Initiation:**
 - CEC issues instructions to Branches to begin the election process.
 - The Election Secretariat starts functioning at HQ.
 - **Oversight:**
 - Monitor compliance with election notices and deadlines.
 - Upload Branch election details (date, venue, chairman, etc.).
 - **Supervision of Branch Elections:**
 - Ensure free and fair conduct of elections.
 - Appoint HQ representatives if required.
 - Scrutinize and upload results of Branch elections.
 - **Voter List Finalization:**



- Members as of 31st March with valid enlistment and dues clearance are eligible voters. ●
- Re-polling Authority:**
- If irregularities are substantiated, EC can order re-poll.
- In re-poll cases, usual notice period and deadline restrictions may be waiver

4. The powers related to usage of MESBAI website by the election commission is very limited as provided under **Article 11 (e)(ii) and 11(e)(v)**, wherein the following is stated.

Article 11 (e)(ii)

"The EC must... upload all the details of the election of the Branch viz. the date of election, venue of election, the name of election chairman etc."

Article 11(e)(v)

"EC will scrutinize the election results of each branch... and upload the election result of the Branches as and when it is received..."

5. ***It appears that the powers related to usage of website by the EC are very limited in terms of its powers to conduct elections of the association. The said usage of the website by EC is limited to uploading branch election Schedules (dates, venues, chairpersons), scrutinize and upload results of branch elections to the MESBAI website. These powers are given to maintain transparency in the election process by making schedules and results publicly accessible. There is no other provision that mentions controlling other areas of the website. Hence the Election Commission does not control the entire MESBAI website, but it does have specific authority to manage election-related content on the site, especially regarding Branch election details and results.***

6. The other parts of the website are to be exclusively controlled and managed by the Council as defined under Article 11 which includes the elected office bearers of the election commission. The council is empowered to manage the business and funds of the association which includes management of the website till the new office bearers are appointed.

7. The powers of Council during the election period remains the same for general administration except election related authority which comes to be fully vested with election commission. Further Article 10 and 13 provides for the duties and powers of the elected council members which are very much available during the election period. The MOA under Article

11(g)(viii) provides for elected office bearers to take over of office by the elected members. In the first council meeting but not later than 31st July. Hence the current office bearers have to perform all their functions and duties while exercising their powers under the MOA in completion of their tenure of two years.

8. **ISSUE AT HAND:**

- i. The forceful takeover of the website by the newly appointed election commission of the MESBAI is completely illegal and beyond the powers entrusted in the MOA.
- ii. The said action by the election commission amounts to violation of MOA and Arbitrary actions which may result in blocking the normal functioning of the council members for the remaining tenure.
- iii. It appears that the website has been completely taken over by way of misrepresentation to MESBAI staff at HQ.
- iv. The single handedly function of the website of the EC will also raise doubts on the transparency of the election scheduled to be conducted soon.

- v. The EC has transgressed its powers to act as an elected office bearer which amounts to fraud and misrepresentation.

9. ACTIONS TO BE TAKEN:

- i. Raise a Suo moto internal complaint with DRRC as provided under Article 21 of the MOA. The said complaint should have the details of the website being taken through misrepresentation and fraud under the grounds of: violations of Articles 11(e), 10, and 13 of the MOA, which limit the EC's authority to election-related uploads and reaffirm the Council's control over the website.
- ii. The allegation in the complaint should specifically state that Misrepresentation/fraud committed by the EC to gain unauthorized website access for disruption of the Council's statutory duties along with Risk to election transparency due to unilateral control.
- iii. The Suo moto complaint should demand removal of the current EC, restoration of the website to the current office-bearers and removal/termination of membership of EC members from the MESBAI.
- iv. ~~Alternatively, filing of criminal complaint with the Cyber Cell of Delhi Police for unlawful access of the website along with takeover of the website through misrepresentation.~~
- v. Alternatively, filing a civil suit for injunction, declaratory relief, or damages.

10. The EC's actions are ultra vires and threaten MESBAI's institutional integrity. The Council must act swiftly to restore lawful authority, using MOA mechanisms and legal remedies. The transparency and member involvement are critical to preventing future abuses.

6.0 : Conclusion :

The Chairman of DRRC Sh Lakhbir Singh Given his Concluding Remarks. In his Concluding remarks he stated that:-

(a) the Election Commission's act to take over the Complete Control of HQ MES BAI office was Totally unethical and beyond the Domain of Election Commission as per the Constitution of Association i.e. MOA.

(b) To Hack and take complete Control

of HQ official Email ID and Official Web Site of MES BAI when the election commission already created its official email ID as ecmai2527@gmail.com

(Administrator Sh Ami Bhaduri) for ensuing Elections was most unethical and unwarranted and was beyond the Domain of Election Commission. The moto behind that action of Election Commission were best known to them but the apprehension of President Sh G S Mago that same may be Hacked to Steal, moderate or delete the Important data of HQ to support an Individual Group of members cannot be undermined.

(c). The hacking of Official email ID of HQ MES BAI and Official Web Site of MES BAI by unethical means by Election Commission is a serious Breach of Trust and a serious lapse on the Part of Election Commission which had completely disrupted HQ office working which resulted in irreparable losses to contractors fraternity of consequences may be seen in future.

(d). . the action of Election Commission to take Photo copies of Old records from HQ office of MES BAI was very unfortunate and condemned. The Election Commission must be panelized for their gross unethical activity by taking Photo Copies and Picture by Mobile Phone of documents/ records which they were not at required and if required can be obtained through proper system after obtaining approval of President of Association.

(e). from the other complaints received from the Delhi Branch, it is analyzed that the Election Commission working to support group of their Choice in dictatorship manner which is not acceptable

in Democratic frame work of Association and action against Election Commission on their Biased working to favor particular one Group of Members in ensuing Election process of 2025-2027 Term.

7.00: DECISION OF THE DRRC IN THE MATTER

7.1: The DRRC examined all the facts produced before it by Shri Kumar Ashok, Sr. Vice President, HQ MES BAI; Shri Rajeev Chowdhary (Former CEC, 2023–2025 term); and Shri Harpal Singh, Council Member, Bareilly Branch. These facts were further elaborated in detail by President Shri G. S. Mago. The DRRC also carefully reviewed the legal opinion obtained before proceeding with adjudication of the matter.

7.2: In exercise of the authority conferred upon the DRRC under Article Nos. 23(a), 23(e), and 23(f) of the Memorandum and Articles of the M.E.S. Builders Association of India (Regd.) (as amended up to 31/07/2024), and keeping in view the sanctity of the Association's 50-year legacy, as well as the need to uphold the highest standards of ethics in the functioning of all three Constitutional Bodies namely, the HQ Office Bearers, the Election Commission, and the DRRC whose duties and roles are well defined in the Memorandum and Articles of the Association, the DRRC hereby pronounces its decision on the matter referred to it for adjudication by the complainants Shri Kumar Ashok, Senior Vice President, HQ MES BAI; Shri Rajeev Chowdhary, (former) CEC (2023–2025 term); and Shri Harpal Singh, Council Member, Bareilly Branch, as detailed below:

- i. The present Election Commission, elected during the Council Meeting held at Bhopal on 09th April 2025 comprising Shri Praveen Mahana as Chief Election Commissioner, along with Shri Amit Bhaduri and Shri Naveen Yadav as Election Commissioners stands **dissolved with immediate effect** on the following grounds:
 - (a) The Election Commission's act of taking complete control of the HQ MESBAI office was entirely unethical and beyond the jurisdiction granted to it under the Constitution of the Association (i.e., the Memorandum of Association - MOA and Articles of Association).
 - (b) The unauthorized access and takeover of the official HQ email ID and the official website of MESBAI by the Election Commission, despite having already created a separate official email ID for election-related communications (ecmai2527@gmail.com, with Shri Amit Bhaduri as administrator) was highly
 - (c) unethical, unwarranted, and outside the scope of the Election Commission's authority. The motive behind this act remains known only to the Election Commission. However, the apprehension raised by the President, Shri G. S. Mago, that such access could lead to hacking, alteration, or deletion of important HQ data including voter list as published on the website to support a particular individual or group of members cannot be disregarded.
 - (d) The unauthorized hacking of the official email ID and website of HQ MESBAI by the




Election Commission constitutes a serious breach of trust and a grave dereliction of duty. This unethical act significantly disrupted the functioning of the HQ office, potentially causing irreparable loss to the fraternity of contractors, consequences of which may become evident in the future.

- (e) The Election Commission's action of photocopying old records from the HQ office and capturing images of documents using mobile phones is highly unfortunate and condemnable. Such acts were unethical, especially when the documents in question were not required at that time. If required, the proper procedure should have been followed, including obtaining prior approval from the President of the Association.
- (f) Based on complaints received from the Delhi Branch and evidence corroborating the same, it has been observed that the functioning of the present Election Commission is biased and appears to favor a specific group of members of their choosing, operating in a manner akin to dictatorship. Such conduct is completely unacceptable within the democratic framework of the Association. Hence, Appropriate action must be taken against the Election Commission for their biased unethical handling of the 2025–2027 term election process to maintain the transparency of the election procedure and trust of all the members of the Association.

- ii. The DRRC hereby issues directions to the Council, through the President MESBAI, to **immediately convene a Council Meeting of the current regime (2023–2025)** at a suitable venue and on a convenient date, but **no later than 15 days from the date of publication of this Award**. The purpose of the meeting shall be to **constitute a new Election Commission**, either by election or selection, for conducting the forthcoming elections for the 2025–2027 term. This action is essential to uphold the high ethical standards of this esteemed Association, which proudly carries a legacy of 50 glorious years.
- iii. We hereby further order that Shri Praveen Mahana as Chief Election Commissioner, along with Shri Amit Bhaduri and Shri Naveen Yadav is hereby refrained / suspended from acting in the capacity of the members of the Election Commission 2025-2027 and are barred from contesting or being nominated in the reconstitution process of the new Election Commission as per the directives stated in paragraph (ii) above.

This Award published on the 16th Day of May 2025 under the signature of following members of DRRC(Arbitrator Panel) under the Arbitration and conciliation act 1996

On behalf of all members of DRRC



(Lakhbir Singh)

Chairman DRRC (2023-2025) lakhbirconstructions@rediffmail.com .

(Signed Copy of Awards with (14) Pages kept in record)

Copy to (email only)

1 All DRRC Members

2 The Hony General Secretary

HQ MES BAI HQ MES BAI , 807-808, Sahyog 58,

Nehru Place, New Delhi-110019 – along with the Copy of Award – with directions to made arrangement to upload the Award on MES BAI official Website

