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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/ 71

Date 19th May 2025

Sh Sandeep Srivastava
Hony General Secretary ,
HQ MES BAI 807-808, Sahyog 58, Nehru Place, New Delhi-110019
Email:mesbai75@yahoo.com

Subject: Legal Objection to DRRC Directions through letter No: MBAI/HQ/DRRC/2023-25/69(not 169 as referred by you) dated 16.05.2025 in Light of the Election Code and Provisions under the Societies Registration Act, 1860

Dear Sir,

1. Reference to your personal letter issued on HQ letter head bearing letter No MESBAI/ HQ/ DRRC/2023-2025 Dated 19th May 2025.
2. It has been seriously noticed by the undersigned that you had written your personal opinion beyond your duties conferred upon you under the Article No 13(b) under Heading Duties of Memorandum and Articles of Association of M E S BUILDERS ASSOCIATION OF INDIA (REGD){ Hereby in after referred as MOA} It is advised to you to withdraw your letter immediately and remove same from Official website of MES BAI forthwith.
3. Please explain under which Authority you had made such irrelevant communication with the DRRC and posted it on HQ MES BAI WEBSITE.
4. Though The DRRC have no obligation to reply such irrelevant communication but to remove any doubt at your end , following may please be Noted:-

I. Your Communication that

"This is to acknowledge your recent communication directing the Headquarters to convene a Council Meeting within 15 days, purportedly under the authority of DRRC, In my official capacity as Hon. General Secretary, MES BAI HQ, I am constrained to issue this formal legal advisory and protest against your instructions, for the following reasons".

DRRC OPINION ->

This is to be informed that the DRRC had issued instructions to HQ through President of the Association! . Why you are intervening in President's Domain and communicating



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with the DRRC directly without taking President of Association in loop . Had you obtained Permission from the President of Association before communicating with DRRC??

- II. Your so called objection No 1 under your unauthorised letter it has been intimidated.
- (a) "Election Code of Conduct in Force Where is such code existing in the MOA, may please made available or withdraw the same forthwith
 - (b) Further it has been stated that
"Under the notification of elections for the term 2025-27, MES BAI is presently operating under the Election Code of Conduct, enforced by the Election Commission (EC). Under the Association's electoral framework: "

DRRC OPINION :

Is any provision is covered by the MOA, may please made available or withdraw the same forthwith.

- (c) Further it has been stated under your hypothetical analysis that
"All administrative powers of HQ stand transferred to the Election Commission for the duration of the election process. HQ's role is limited to routine correspondence and assisting the CEC in carrying out free and fair elections. No executive, electoral, or meeting-related action can be initiated by HQ independently, without explicit direction or clearance from the Election Commission."

DRRC OPINION :

Is any provision is covered by the MOA, may please made available or withdraw the same forthwith which are framed by you at your own.

- (d) You had further stated that
"Therefore, your direction to HQ to convene a meeting within 15 days violates the election code and exceeds the permissible actions of HQ during this period."

DRRC OPINION :

Your communication as stated above are not satisfied by any Provision of Articles of Association and are only based on your own presumption.
As such stands illegal and liable to be rejected and no further action in this matter undertaken by you will be admissible.

- III. The other Points of Objections stated in Para (2) to Para (4) are irrelevant in the subject matter and only matter of hypothetical analysis, hence no reply is needed by DRRC .

5. Under your concluding remarks it is noticed that you had over shot your designated duties as Hony General Secretary of MES BAI as stated below:-

"You are respectfully advised to refrain from issuing further directions that interfere with the election process or challenge the independent functioning of the Election Commission. MES BAI remains committed to upholding its constitution, democratic values, and the rule of law".



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6. **DRRC OPINION** : It is highly objectionable that you are issuing instructions to HQ statutory Body who had given the Authority under Article No 23 (a), 23(e) & 23(f) of MOA and you are not a competent authority to issue such Instructions. It is warned to you that this is contempt of Competent statutory authority ie DRRC who is working under Arbitration and Reconciliation Act 1996 and should be avoided in future.
7. With this your letter No No MESBAI/ HQ/ DRRC/2023-2025 Dated 19th May 2025. is declined to be maintainable and stands rejected.

sincerely,



(Lakhbir Singh)

Chairman, DRRC MES BAI 2023-3025 Term

Copy to:-

President,

HQ MES BAI

New Delhi - with request to direct the Hony General Secretary of Association to refrain from such communication beyond his duties with the DRRC in near future