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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/ 86

Date 4th July 2025

Sh Sandeep Srivastava
Hony General Secretary,
HQ MES Builders Association of India (REGD)
New Delhi -110019

SHOW CAUSE

Dear Sir,

- 1 Your letter No MBAI/HGS/09/2025 dt 30.06.2025.
- 2 On further discussions within DRRC, to resolve the issue amicably, it is suggested that you may kindly withdraw your following letters written unauthorisedly (all copies attached) :
 - I. Letter sent to Hon'ble Mediator Justice Vipin Sanghi (Retd)
(a) letter No MBAI/ HGS/ 05/ 2025 dated 11/06/2025.
 - II. Letter sent to President:
(a) MBAI/HGS/03/2025 dt 10.06.2025
(b) MBAI/HGS/04/2025 dt 10th June 2025
(c) MBAI/HGS/06/2025 dt 12th June 2025.
 - III. Letters written to DRRC
(a) MESBAI/DRRC/06/2025 dated 19.05.2025
(b) MESBAI/DRRC/08/2025 dated 20.05.2025
(c) MESBAI/HGS/09/2025 dated 30.06.2025
- 3 Whereas you yourself is an ex-officio member of DRRC but you have avoided most of the DRRC meetings. Intimation of DRRC meetings, letters and minutes of all the meetings were sent to you and all other members and Ex officio members through email as well as DRRC WhatsApp group and on official website of MES BAI.



Contd on P-2

P-2

- 4 Hope you must realise that the letter sent by you directly to Mediator Justice Vipin Sanghi (Retd) , President and DRRC was against the spirit of constitution of MES BUILDERS ASSOCIATION OF INDIA (REGD) & that was totally in Violation of Articles of Association & for which you are not authorised to do so. And all these letters were also viraled by you in social media to gain your own political motives.
- 5 However to resolve the issue amicably, it is suggested that you may kindly withdraw all your above letter, forthwith.
- 6 Your Cooperation in the matter is solicited so that matter may be closed without further deliberations in this issue.
- 7 Your early response is solicited.. This letter is written with the consent of all DRRC members.
- 8 Please acknowledge

Thanks & regards



(Lakhbir Singh)

Chairman DRRC 2023-2025 TERM, lakhbirconstructions@rediffmail.com .

Enclosed : As above 26 Sheets

Copy to (email only)-

- 1 All DRRC MEMBERS, HQ MES BAI NEW DELHI -for NA please.
- 2 HQ MES BAI NEW DELHI – with request to intimate Sh Sandeep Srivastava, Hony General Secretary, HQ New Delhi.

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Imm. Past President

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(Delhi)
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Ref. No.: MBI/HGS/05/2025

Date : 11th June 2025

To

Hon'ble Mr. Justice Vipin Sanghi (Retd.)

Mediator

New Delhi – 110049

Email: vipinsanghi@gmail.com; vs_office_arbitration@gmail.com

Subject: Unilateral Nomination of Representatives for Mediation Proceedings Scheduled on 14.06.2025 at 16:30 Hrs

Respected Sir,

Reference: Letter from President, MES BAI (Ref. No. NIL, dated 10.06.2025) regarding nomination of representatives for mediation proceedings.

I write to you in my official capacity as the Hony. General Secretary of the MES Builders Association of India (MES BAI) to formally record my objection and grave concern regarding the recent nominations made unilaterally and arbitrarily by the President of MES BAI for participation in the upcoming mediation proceedings, as per the directions of the Hon'ble High Court of Delhi vide order dated 04.06.2025.

The nomination of Shri Rajeev Chowdhary and Shri Narendra Kumar Gupta as representatives for such critical proceedings violates the MES BAI Constitution, undermines democratic functioning, and risks compromising the fairness of the mediation process. I respectfully submit the following grounds:

1. Violation of MES BAI Constitutional Mandates

As per the constitutional framework of MES BAI, any nomination to represent the Association in high-level legal or mediation proceedings requires prior consultation with and approval from the Executive Body. The President has failed to consult the undersigned or other senior office bearers, making the nominations in an arbitrary and unconstitutional manner. This act of

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bypassing the institutional process directly contravenes MES BAI's democratic values and sets a dangerous precedent of unilateralism.

2. Ignored Proposal of Legitimate Representation
I humbly submit that, being the Head of Office for HQ/Council, I repeatedly requested the President to convene an Executive Body and senior officials meeting to nominate two representatives on behalf of HQ/Council, as required according to the Hon'ble High Court's instructions. Unfortunately, the President ignored these requests and issued the referred letter, unilaterally selecting two controversial individuals without consulting the Executive Body and senior officials of HQ. This act constitutes a clear violation of the democratic process essential for such significant decisions.

Regrettably, this approach reflects an unbalanced and constitutionally unsound position and is contrary to MES BAI's commitment to judicial discipline and institutional fairness.

3. Conflict of Interest - Nomination of Shri Rajeev Chowdhary
Shri Rajeev Chowdhary, having contested and lost the CEC election, has a direct and vested interest in the disputes under mediation. He has also initiated legal proceedings against the democratically elected CEC, Shri Praveen Mahana. His participation as a nominee compromises the neutrality, objectivity, and sanctity of the mediation process and is an affront to the principle of natural justice, as he cannot simultaneously act as both a complainant and a representative.

4. Illegality in the Nomination of Shri Narendra Kumar Gupta
Shri Narendra Kumar Gupta's purported selection as CEC in the meeting held on 02.06.2025 is both invalid and illegal. The said meeting lacked the required quorum, was boycotted by 43 branches, and was devoid of transparency. Furthermore, the Hon'ble High Court, in its order dated 04.06.2025, has acknowledged Shri Praveen Mahana as the legally elected CEC. Hence, Mr. Gupta's nomination is not only illegitimate but also amounts to contempt of the Hon'ble Court's directives.

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5. Recommendation to Nominate the Name of Shri Varinder Garg

Additionally, a formal and collective recommendation was submitted by the Executive Body members:

- The Immediate Past President,
- The undersigned Hony. General Secretary,
- The Hony. Joint General Secretary, and
- Four Vice Presidents,

suggesting the name of Shri Varinder Garg (Past President, 2007–2009) as a neutral, experienced, and widely respected representative. Shri Garg's long-standing commitment and unblemished record make him ideally suited to represent MES BAI's interests with impartiality and credibility. The President's unjustified rejection of this consensus is both undemocratic and detrimental to the mediation process.

6. Abuse of Authority and Obstruction of Mediation

The President's conduct not only reflects an abuse of positional authority but also appears to be a deliberate attempt to stall proceedings and prolong litigation, possibly for personal or political gain. Such actions obstruct institutional resolution efforts and adversely impact the welfare of MES builders, particularly as branch-level elections remain pending due to unresolved HQ disputes.

7. Need for Judicial Direction for Speedy Mediation

It is humbly submitted that, as per the Hon'ble Court's order, all electoral processes remain in abeyance, resulting in indefinite delays in branch-level elections. This has severely hampered administrative functionality and hindered the resolution of builders' professional matters. The continued delay in HQ elections further exacerbates the situation. Timely resolution at the HQ level is essential to restore democratic operations and institutional effectiveness. Hence, your kind intervention is earnestly requested to expedite the mediation process in the larger interest of MES BAI and its members.

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Prayer

Given the foregoing, I most respectfully and firmly request the Hon'ble Mediator to:

1. Reject the nominations of Shri Rajeev Chowdhary and Shri Narendra Kumar Gupta for the mediation proceedings scheduled on 14.06.2025;
2. Direct a review of the nomination process to ensure strict adherence to MES BAI's constitutional procedures;
3. Approve the nomination of Shri Varinder Garg as a representative of MES BAI HQ, based on the collective recommendation of senior office bearers;
4. Permit the President to nominate one additional representative of his choice, excluding the two individuals already objected to;
5. Issue necessary guidelines to ensure the timely and effective conduct of the mediation proceedings to protect the interests of MES BAI members.

I place my full faith in your wisdom and impartiality and remain confident that justice and procedural integrity will prevail in the interest of the Association.

Thank you for your valuable time and kind consideration.

Yours sincerely,

Sandeep Shrivastava
Hony General Secretary
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Enclosures:

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3. Letter No. MBAI/Central "B"/10/2025-26 dated 09.06.2025 by Vice President, Central "B"
4. Letter dated 09.06.2025 by Vice President, Eastern Region "B"
5. Letter No. MBAI/HQ/VPS(S)/53/2025 dated 09.06.2025 by Vice President, Southern "S"
6. Letter No. VP Central-A/131 dated 10.06.2025 by Vice President, Central "A"
7. Letter dated 10.06.2025 by Hony. Joint General Secretary

Cc (via email):

- Immediate Past President Mr. Anil Kapoor (Email: anil@tws.co)
- The President, MES BAI (Email: gurucharan.mago@gmail.com)
- Hony. Joint General Secretary (Email: msprasantamahanta@gmail.com)
- CEC Mr. Praveen Mahana (Email: ecmbai2527@gmail.com)
- EC Mr. Amit Bhaduri (Email: amitkbhaduri@yahoo.co.in)
- HQ MES BAI (for circulation on website) (Email: mesbai75@yahoo.com)
- Vice Presidents:
 - o Central "B" (Email: panwarconstruction1971@gmail.com)
 - o Eastern Region "B" (Email: ashokkandoi49@gmail.com)
 - o Southern "S" (Email: msrajan66@gmail.com)
 - o Central "A" (Email: modernbuilders27@gmail.com)

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Inm. Past President
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(Delhi)**
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Ref No: MBI/HGS/03/2025

Date: 10th June 2025

To
The President
MES Builders Association of India (MESBAI)
Headquarters, New Delhi

**Subject: Official Clarification Regarding Caveat Filing Before
Hon'ble Delhi High Court**

Respected Sir,

It has come to my notice that a **Caveat Petition No. 514/2025** dated **20.03.2025** has been filed before the Hon'ble Delhi High Court in the name of **MESBAI**, wherein the designation of "**Hon. General Secretary**" has also been cited.

In this regard, I wish to place on record the following **category** clarification:

I was only aware of the intent to file a caveat concerning matters already pending before the Registrar of Societies, initiated by certain complainants. However, I had **no knowledge**, nor did I grant any **approval, consent, or authorization**, for filing a caveat pertaining to **any other matter or legal proceeding**, particularly any such filing initiated by your office on behalf of MESBAI.

This action was taken **without my participation, without any official resolution, and due approval from the MESBAI Headquarters.**

As the duly elected **Hon. General Secretary**, entrusted with the responsibility of safeguarding the **Constitutional ethos, transparency, and democratic values** of MESBAI, I wish to **disassociate myself entirely** from this caveat and any similar actions that **bypass due process and institutional mandate.**

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Let there be no ambiguity — my allegiance remains firmly with the
Constitution of MESBAI, the rule of law, and the collective will of its
esteemed members.

With sincere regards,

Sincerely,

(Sandeep Shrivastava)
Hon. General Secretary
MES Builders Association of India
(MESBAI)

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Ref. No./MBA/HGS/ 04 /2025

Dated: 10-06-2025

To
The President
MES Builders Association of India (MES BAI)
Headquarters, New Delhi

Subject: Urgent Request for Nomination of HQ/Council Representatives for Court-Supervised Mediation on 15 June 2025

Respected Sir,

I write this with utmost respect and in the larger interest of ensuring **constitutional compliance, organisational integrity, and the timely resolution** of ongoing disputes within MES BAI.

Pursuant to the directions of the Hon'ble Court, a **court-supervised mediation session** was originally scheduled for **09 June 2025** under the supervision of the **Hon'ble Chief Judicial Magistrate**. On the request of HQ, the Hon'ble Court has graciously rescheduled the mediation to **15 June 2025**. It is pertinent to mention that the Hon'ble Judicial Officer shall not be available thereafter until **04 July 2025**.

Any further delay or failure in representation from HQ/Council may impede the judicial process and could be perceived as a **wilful non-compliance** with the Hon'ble Court's directive. Such a scenario may not only affect the credibility of the organisation but may also attract adverse legal inferences.

In light of the above, I respectfully yet firmly request that your esteemed office **nominate two representatives** for the forthcoming mediation proceedings scheduled on **15 June 2025**:

1. One representative on your behalf, in your capacity as the President and Head of the Organisation, and
2. One representative on my behalf, in my capacity as the Head of Office for the HQ/Council.

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This step will reinforce MES BAI's commitment to **judicial discipline, fair resolution, and institutional accountability**, and will reflect positively before the Hon'ble Court.

I trust this request will receive your immediate attention and that the requisite communication will be made to the Hon'ble Court and the appointed Mediator without any further delay.

With sincere regards,

Yours faithfully,

Sandeep Shrivastava
Hon. General Secretary
HQ, MESBAI

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Ref. No.: MBAI/HGS/06/2025

Date: 12th June 2025

To,

All Esteemed Members of MES BAI

Subject : URGENT NOTICE REGARDING SERIOUS CONSTITUTIONAL VIOLATIONS, MISREPRESENTATION, ABUSE OF POWER & MISLEADING COMMUNICATIONS ISSUED BY THE PRESIDENT

Respected Members,

In discharge of my duties as Hony. General Secretary and custodian of the constitutional sanctity of MES BAI, it has become necessary to officially place on record serious illegalities, misrepresentations, and constitutional violations being continuously perpetrated by the current President.

This communication is being issued after careful evaluation of the facts, applicable constitutional provisions of MES BAI, and given legal consequences that now surround these illegal acts. It is also being issued in the supreme interest of transparency and to prevent the membership from being misled through wilfully false and unilateral narratives.

1 REFERENCE TO PRESIDENT'S COMMUNICATION NO. 6 DATED 11.06.2025 & PREVIOUS FALSE STATEMENTS

The President, vide Communication No. 6 dated 11.06.2025, has once again issued factually false, unconstitutional, and misleading statements with the deliberate intent to mislead the membership, suppress the truth, and camouflage serious violations of the MES BAI Constitution and court directives.

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E-mail: anil@rws.co

These communications are:

- **Void ab initio (legally null from inception);**
- **Without any Executive Body sanction;**
- **Issued in breach of constitutional authority;**
- **A blatant misuse of the President's office.**

2 CONTINUED & DELIBERATE VIOLATIONS OF THE MES BAI CONSTITUTION

The President has violated multiple cardinal provisions of MES BAI's Constitution, which mandate:

- **Collective decision-making via Executive Body Meetings;**
- **Prior consultation with the Hon'ble General Secretary and Council;**
- **Strict compliance with judicial orders, particularly from the Hon'ble High Court.**

Despite numerous formal written requests, legal reminders, and verbal appeals by the Hon'ble General Secretary, the President deliberately and illegally refused to convene any valid Executive Body Meeting to deliberate upon the crucial issue of nomination for the ongoing Court-directed mediation proceedings.

3 UNETHICAL, VOID AND CONTEMPTUOUS NOMINATIONS

The President has unethical, and without any constitutional authority, nominated Shri Rajeev Chowdhary and Shri Narendra Kumar Gupta to represent MES BAI in the mediation process:

- **Shri Rajeev Chowdhary:**
 - Is a directly interested party having contested and lost the CEC election.

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- Is a complainant in pending legal proceedings.
- His nomination amounts to a **direct conflict of interest, violative of natural justice (nemo judex in causa Sua – no person can be a judge in his own cause).**

• **Shri Narendra Kumar Gupta:**

- Was unethical nominated as CEC through an unconstitutional and void meeting held on 02.06.2025, which:
 - Lacked quorum;
 - Was boycotted by 43 branches and office bearers;
 - Was conducted without procedural transparency.
- His purported CEC role is nullified by the Hon'ble High Court's clear recognition of **Shri Praveen Mahana** as the validly elected CEC vide court order dated 04.06.2025.

Thus, both nominations stand as **constitutionally void, illegal, and capable of attracting contempt of court.**

4 **BLATANT DISREGARD OF THE COLLECTIVE ECOMMENDATION**

The following senior office bearers, after due internal consultations, had **unanimously recommended the name of Shri Varinder Garg Ji** (Past President, Patron, highly respected senior member), as a neutral, highly experienced, and constitutionally untainted nominee to represent HQ in the court-supervised mediation:

- Immediate Past President
- Hony. General Secretary
- Hony. Joint General Secretary
- Four Vice Presidents

Despite this collective constitutional mandate, the President **illegally rejected this consensus**, without placing it before the Executive Body or the General

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Council. This establishes deliberate **suppression of collective governance**, misuse of the President's position and a complete breakdown of internal checks and balances.

5 PRESIDENT'S ACTIONS MAY ATTRACT CONTEMPT OF COURT

The Hon'ble High Court of Delhi has already passed clear directions governing the present dispute and acknowledged the legally elected office bearers. The President's current acts of:

- Issuing false communications;
- Nominating disqualified persons;
- Bypassing court-recognised CEC;
- Suppressing constitutional processes;

They are all **capable of attracting contempt proceedings** under the Contempt of Courts Act, 1971, and directly endanger MES BAI's legal standing.

6 GROSS ABUSE OF OFFICE & DERAILMENT OF ORGANIZATIONAL FUNCTIONING

The President's unilateral authoritarian functioning has now led to:

- Paralysis of branch elections;
- Stalling of the HQ election process;
- Damage to builders' professional representation;
- Risking MES BAI's public credibility before the judiciary, government, and statutory bodies.

This conduct constitutes "**abuse of dominant position**" in violation of fair administrative jurisprudence.

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7 LEGAL POSITION: ULTRA VIRES & VOID ACTIONS

Given the above, all such unilateral communications and decisions made by the President:

- Are **ultra vires** (beyond his constitutional authority);
- Have **no legal sanctity**;
- Cannot bind the Association or its members;
- Are fully open to judicial challenge and legal invalidation.

8 CALL TO ALL MEMBERS

In these critical circumstances, the Hony. General Secretary calls upon all members to:

- Reject such unauthorised communications and false narratives;
- Remain vigilant against further attempts to mislead.
- Insist on strict constitutional compliance;
- Preserve the dignity, neutrality, and democratic legacy of MES BAI.

9 ASSURANCE OF TRANSPARENCY

The Hony. General Secretary remains committed to complete transparency, and all original records, communications, and factual documents will be made available to any member wishing to verify the truth.

10 LEGAL RIGHTS RESERVED

It is further placed on record that if these illegal actions continue, the Hon'ble General Secretary, jointly with the senior office bearers, will be constrained to take appropriate **institutional, legal and judicial measures** to safeguard the Constitution, membership interests and the judicial sanctity of MES BAI.

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Issued in the supreme interest of MES BAI's constitutional integrity and its valued members.

Sincerely,

Sandeep Shrivastava
Hony. General Secretary
MES Builders Association of India
(MESBAI)

Attachments:

- Copy of President's Communication No. 6 dated 11.06.2025
- Copies of all prior written communications made by the Hon'ble General Secretary

Copy To:

- All Past Presidents & Patrons
- All members of the Executive Committee & office bearers of HQ
- CEC Shri Praveen Mahana

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E-mail: anil@twc.co

2. Jurisdictional Limits of DRRC under Article 21(c) of MOA

The DRRC, as per Article 21(c) of the Memorandum and Articles of Association (MOA), is constituted to resolve disputes between members and the Headquarters. It is not empowered to:

- Intervene in constitutional functions like elections
- Instruct HQ on convening or scheduling governing body meetings
- Override the mandate and decisions of the Election Commission

Any attempt to act otherwise may be deemed *ultra vires* and subject to challenge.

3. Legal Standing under the Societies Registration Act, 1860

As a registered society under the Societies Registration Act, 1860, MES BAI is bound to:

- Conduct elections as per its registered constitution (MOA)
- Ensure fair, impartial, and autonomous elections through an independent Election Commission
- Prevent any interference by individuals or bodies not explicitly authorised under the constitution

Section 15 and 16 of the Societies Registration Act, 1860 empower the society to self-govern through its constitution. DRRC's instructions contradict this legal requirement by undermining the internal constitutional mechanisms currently in effect.

Hence, your directions carry no legal sanctity and cannot be enforced by HQ while elections are ongoing.

4. Consequences of Non-Compliance

Any attempt by HQ to act on your directions during this code period would constitute:

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- A clear violation of the Election Code
- An unlawful act under both the Society's MOA and the Societies Registration Act
- A ground for internal disciplinary action and legal redress post-elections

This matter shall be placed before the Supreme Council after the election for consideration of disciplinary and legal proceedings against misuse of position and disruption of constitutional governance.

Conclusion

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.

This communication stands as a formal legal advisory and objection.

Yours sincerely,

(Sandeep Srivastava)
Hony. General Secretary
MES BAI HQ

Copy to:

- Chief Election Commissioner, MES BAI
- President, MES BAI

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Ref.: MESBAI/DRRC/08/2025

Date: 20th May 2025

Reply on Behalf of Hony. General Secretary, MES BAI

To,
The Chairman,
Dispute Redressal and Reconciliation Committee (DRRC),
MES Builders Association of India (MES BAI)
Ref: Your Letter No. MBI HQ/DRRC/2023-2025/71 Dated 19th May 2025

Subject: Response to Your Letter Dated 19.05.2025 and Clarification of Powers and Responsibilities of the Hony. General Secretary under the MOA and Societies Registration Act, 1860

Dear Sir,

This communication is issued with utmost respect towards the institution of DRRC, while placing on record a strong and unequivocal rebuttal to the misplaced observations, presumptive allegations, and legally untenable claims made in your aforementioned letter.

1. Authority of Hony. General Secretary under MOA and Societies Registration Act, 1860

The role, responsibilities, and communications of the Honorary General Secretary are well defined under Article 13(b) and other relevant provisions of the Memorandum of Association (MOA). The General Secretary is the principal executive officer of the Association, authorized to correspond on behalf of HQ, ensure compliance with constitutional processes, and issue advisories if there is any procedural deviation from the framework of the MOA or principles of natural justice.

Your claim that such correspondence is "personal opinion" is factually and legally incorrect. It was a formal advisory issued by the office of the Hon.

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General Secretary in the interest of safeguarding democratic processes during the election period.

2. On Election Code and Transfer of Powers during Elections

Though the MOA may not explicitly label a term as "Election Code", the Supreme Court of India and various High Courts have repeatedly recognized the transfer of administrative authority to the Election Commission during election periods for ensuring free and fair elections — a principle embedded under Article 14 (Right to Equality) and the jurisprudence under Societies Registration Act, 1860 read with Election Law Principles.

HQ and its functionaries are legally bound to operate within limited routine correspondence only and refrain from convening meetings, issuing appointments, or making administrative decisions unless cleared by the Election Commission. The General Secretary has not introduced a new rule but merely reiterated this nationally and judicially recognised principle.

3. On the DRRC's Limitations During Election Period

DRRC is a statutory grievance redressal body primarily functioning as per Article 23 and the Arbitration and Conciliation Act, 1996. It does not have executive or electoral powers, especially during the Election period. Issuing instructions to HQ to call for meetings during elections is ultra vires and interferes with the constitutional autonomy of the Election Commission.

4. Violation of Hierarchical Communication and Overreach

It is alarming to note that DRRC has chosen to bypass the Election Commission, and directly attempted to override the Hony. General Secretary, which is in direct contravention of the hierarchy and functioning outlined under the MOA. The General Secretary has acted within the scope of his constitutional duties, whereas the DRRC appears to have overreached its mandate, which may invite legal scrutiny.

BRANCHES

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5. Defamation, Intimidation and Warning to a Constitutional Office Bearer

The tone and content of your letter is not only inappropriate and offensive but also border on contempt towards a constitutional office holder. The threat to "warn" the Hon. General Secretary for executing his responsibilities under the MOA is legally untenable and institutionally damaging. DRRC is neither a disciplinary body nor above HQ, and such posturing undermines the spirit of service that the Constitution of MES BAI demands.

6. Request for Immediate Rectification

We respectfully demand that you:

- Withdraw your letter No. 71 dated 19th May 2025 and remove any such document from the public domain that disrespects the authority of the Hon. General Secretary.
- Restrict DRRC to its designated role under the MOA and the Arbitration Act and avoid interfering in administrative or electoral matters.
- Refrain from issuing further threats or accusatory statements, failing which, appropriate legal remedies under defamation and intimidation laws shall be pursued.

Conclusion:

The Honorary General Secretary is not answerable to DRRC for discharging his constitutional duties, especially during the election period when HQ operates under the guidance of the Election Commission, in line with MOA and established democratic practice. The attempt to paint such actions as "unauthorised" reflects a misinterpretation of the law, overreach of DRRC powers, and possibly an intention to create confusion and undermine constitutional order.

We trust better counsel will prevail.

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For and on behalf of HQ MES BAI

(Sandeep Shrivastava)
Honorary General Secretary
MES Builders Association of India
Date: 20th May 2025

Copy to:

- Hon'ble President, MES BAI – for kind information and further necessary directions.
- Chief Election Commissioner, MES BAI – for taking cognisance of interference during the election process.

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2023-2025

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Ref. No.: MBAI/HGS/09/2025

Date : 30.06.2025

To,
The Chairman
Dispute Redressal and Reconciliation Committee (DRRC)
MES Builders Association of India (Regd.)
807-808, Sahyog 58, Nehru Place, New Delhi – 110019

Subject : Final Legal Rebuttal and Respectful Request for Immediate Withdrawal of Show Cause Notice dated 21.06.2025 — Issued During Election Period by a Committee Lacking Legal Standing

Sir,

This is to formally respond — under protest and without prejudice — to the Show Cause Notice dated 21.06.2025, issued by the DRRC. I respectfully submit that the notice, under its current timing and context, is without legal basis and may be in contravention of the Constitution and by-laws of MES BAI.

I. DRRC's Jurisdiction Ceases During Election Period

Upon assumption of charge by the Chief Election Commissioner (CEC), the Model Election Code (MEC) comes into effect. Accordingly:

- All Sub-Committees, including DRRC, are deemed suspended during this time;
- The Chief Election Commissioner becomes the sole authority vested with operational powers;
- No sub-committee may issue notices, initiate action, or interfere with the election process.

Supported by:

- Sections 6 and 15 of the Societies Registration Act, 1860;
- *State of Punjab v. Gurdial Singh*, AIR 1980 SC 319 — "A body with no continuing legal authority cannot exercise jurisdiction."

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II. Concerns Regarding DRRC's Composition — Inconsistency with Articles 10(af) and 21(c) of MOA

a) Violation of Article 10(af)

"The President and the Hon. General Secretary shall be ex-officio members in DRRC and of all Committees / Sub Committees."
The absence of the undersigned from DRRC meetings and communications directly contravenes this Article and renders the body's actions questionable in law.

b) Violation of Article 21(c)

"The eligibility to contest for the post of Chairman of DRRC will be similar to the Chairman of the Election Commission..."
It appears the current Chairman does not meet the eligibility criteria and was appointed without due process. This deviation raises valid concerns about the Committee's present constitution.

III. DRRC's Apparent Use Beyond Its Intended Purpose

It is respectfully submitted that DRRC — intended for neutral dispute resolution — appears to be acting under the residual influence of the outgoing executive. The President, whose authority ceases upon notification of election results, seems to be leveraging the DRRC to exert continued influence and target specific office-bearers, contrary to the democratic mandate.

IV. The Show Cause Notice is Procedurally and Substantively Defective

The notice:

- Was issued by a body suspended by implication under the Model Election Code;
- Lacks procedural fairness and presumes guilt, violating *audi alteram partem*;
- Conflicts with *A.K. Kraipak v. Union of India*, AIR 1970 SC 150 — where any action by a body lacking jurisdiction is deemed void.

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Those associated with the issuance of such notices may be personally liable under:

- Section 166 IPC – Disobedience of law;
- Sections 499 & 500 IPC – Defamation;
- Section 505 IPC – Circulation of false/misleading information;
- Civil Law – Malicious prosecution and reputational harm.

V. Actions of the Undersigned Are Protected Under the Constitution of MES BAI

All actions and correspondence of the Hon. General Secretary are undertaken:

- Under Article 13(b) of the MES BAI Constitution;
- In official capacity, in good faith;
- To preserve constitutional discipline, transparency, and institutional integrity.

VI. Request for Immediate Rectification

In light of the above, I most respectfully request:

1. Withdrawal of the Show Cause Notice dated 21.06.2025 within 48 hours;
2. Suspension of all DRRC activities during the election period;
3. Lawful reconstitution of DRRC post-elections as per Articles 10(a) and 21(c).

Failure to consider this request may, unfortunately, necessitate recourse to:

- Criminal action under IPC Sections 166, 167, 499, 500, 503, 505;
- Civil defamation proceedings;
- A writ petition under Article 226 of the Constitution of India;
- Formal complaint before the Registrar of Societies.

VII. Humble Query: Why Was This Notice Issued to Me?

I respectfully place on record a sincere question:

What specific dispute or complaint exists against me that warranted the issuance of this notice?

BRANCHES

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To the best of my knowledge, I have not had any personal or professional dispute with any member that would fall within the defined scope of DRRC. The DRRC is constitutionally a redressal and reconciliation forum, not a disciplinary authority, nor a tool to satisfy individual egos or political motivations.

It is therefore requested, with humility, that the Hon'ble Committee kindly introspect whether such notices serve the intended purpose of reconciliation or risk diminishing institutional integrity.

Copy to:

- The Hon'ble Court of Law – For kind information in the pending litigation;
- The Chief Election Commissioner – For urgent intervention;
- Executive Council Members, MES BAI – For institutional awareness;
- All Esteemed Members – For full transparency;
- MES BAI Headquarters – With a request to make this reply available on official platforms.

Conclusion:

This reply is submitted in the spirit of constitutional fidelity, respectful institutional dialogue, and with sincere hope that MES BAI will continue to uphold its foundational values. I remain committed to the constitutional responsibilities entrusted to me and will continue to protect the democratic ethos of this esteemed Association.

Respectfully submitted under protest and with reservation of full legal rights.

Warm regards,

(Sh. Sandeep Srivastava)
Hony General Secretary
MES Builders Association of India (Regd.)

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