

o/c

**MAREESH PRAVIR SAHAY  
ADVOCATE  
ADVOCATE-ON-RECORD, SUPREME COURT OF  
INDIA**

**1361 / 37, NOIDA-201303**

**PHONES: - +91-120-4324579; 9899000923**

**E-MAIL:- OFFICE@MPSAHAYADVOCATE.COM**

**By E-mail / Courier**

Date: - 5.5.2019

To,  
The Managing Committee  
Delhi Public School C.G.H.S.  
DPS APARTMENTS, PLOT NO. 16  
SECTOR-04, DWARKA  
NEW DELHI- 110 078

Shri Neeraj Vaish  
President, M.C., Delhi Public School C.G.H.S.  
DPS APARTMENTS- Flat No. 151  
PLOT NO. 16  
SECTOR-04, DWARKA  
NEW DELHI- 110 078

✓  
Shri Sampath Kumar  
Secretary, M.C., Delhi Public School C.G.H.S.  
DPS APARTMENTS- Flat No. 153  
PLOT NO. 16  
SECTOR-04, DWARKA  
NEW DELHI- 110 078

Subject: - : Legal Notice

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Dear Sir,

On behalf of and under instructions from my client, Mrs. Savita Jaiswal, R/o, 442, DPS Apartments, Plot No. 16, Sector-04, Dwarka, New Delhi- 110 078, I hereby serve upon you the following notice for your urgent, necessary and immediate compliance:-

1. That you are aware that my afore named client and other members / residents of the afore named society- C.G.H.S. have been agitating the illegal, *mala fide* acts being committed with impunity by you w.r.t. the FAR, repair work projects and other(s) as well.
2. That you are aware that recently, my client had filed a civil writ petition before the Hon'ble High Court of Delhi at New Delhi being W.P. (C) No. 4327 / 2019 titled Savita Jaiswal Vs. The Registrar, Co-operative Societies, Govt. of NCT of Delhi and Another in which you were the Respondent No. 2.
3. That you are well-aware of the contents of the said petition as an advance copy of the same was served to you and upon which your Advocate had also appeared before the Hon'ble Court and in fact had also sought to file a counter-affidavit upon advance notice only.

Needless to state that the counter-affidavit, which is oath, would have been sworn by you only after going through the contents of the petition in question.

Therefore you will be well-aware of the fact that my client had filed the said petition only on the limited point of having all works, activities, decisions including financial decisions etc., being done by you stayed till such time the inquiry / inspection and / or supersession proceedings initiated



against you by the RCS Office is completed purely to balance the equities and in the interest of natural justice and fair play and to have a Government Administrator run the affairs of the society in question till such time.

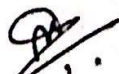
4. *Nowhere in the entire petition, the FAR works / FAR Policy or any other decision / policy etc. was challenged in any manner whatsoever. In fact my client had specifically averred in the petition that 'she reserves her right to do so at an appropriate stage'.*
5. That on 2.5.2019 the Hon'ble High Court was pleased to dismiss the petition in question purely and solely on the technical ground that the Managing Committee i.e., the Respondent No. 2 in the petition being a 'private body' was not amenable to writ jurisdiction of the Hon'ble High Court.
6. The Hon'ble High Court while dismissing the petition on this ground *inter alia* gave due liberty to my client to pursue all remedies as available in law to her before the appropriate forums / courts. That further the petition was disposed of / dismissed without any Order as to costs.
7. That it is safely assumed that you would be aware of the aforesaid proceedings as your Advocate upon your instructions was duly present in court and also was ready with a counter-affidavit to be filed on your behalf.
8. That later on my client and other members / residents of the society learnt of certain messages being circulated at your end *quae* the afore said proceedings on social media platforms such as Whatsapp / Whatsapp groups and also the same message(s) being conveyed via notices being put up everywhere besides being verbally communicated everywhere.



9. The message(s) being conveyed, circulated, communicated and posted is as follows:-

*"This is to inform to all the members that finally HC has dismissed the petition submitted by Jaiswal today against FAR. Jaiswal and Raman personally attended the HC hearing and HC fined 25,000 and dismiss the case in their presence. This is a big success for all of us."*

10. That the afore stated message is untrue, false and the same has been done with the deliberate and *mala fide* intention of misleading and hoodwinking the society members / residents who were always having doubts about your working, were alleging misappropriation and bungling of public money, were alleging impropriety in the running of the society affairs and the FAR, repair works project as a whole. That you have attempted to take shelter and tried to portray your illegal works and activities as genuine, honest and *bona fide* under the garb of the Hon'ble High Court.
11. That not only is the message untrue and false but as the same is being falsely attributed to the Hon'ble High Court, it is criminal contempt of the Hon'ble High Court / it's Order in the face of it.
12. That you are well- aware that the Hon'ble High Court has not opined and / or concluded anything on the FAR etc. more so as the same was not pleaded or prayed before it at the first place. That it is settled law that misquoting any Hon'ble Court's Order amounts to contempt of court and clearly you have committed contempt of court.
13. It will not be out of the place to point out that you may take suitable steps in law to tender an unconditional apology to



the Hon'ble High Court for misquoting its Order dated 2.5.2019 in W.P. (C) No. 4327 / 2019.

In view of the aforesaid, you are hereby called upon to:-

1. Take back / remove / withdraw the message, notice, communication etc. and put out the true and correct version of facts and events before the society members / residents within 24 hours from the date of receipt of this notice with clear admission of deliberately putting out untrue and false information.

Failing which I have instructions from my client to initiate appropriate contempt proceedings against you which you shall bear entirely at your own risk, consequence, cost and expense and needless to state that the heavy cost and expense which will be incurred by client will also be borne by you.

**BE INFORMED AND TAKE NOTICE ACCORDINGLY**

*Manish*