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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. MBI HQ / DRRC /2023 -2025/ 65

Date 15th May 2025

The Chief Election Commissioner (2025-2027)
MES Builders Association of India (Regd)
New Delhi-110019. email ecmbai2527@gmail.com

Subject:- Request of Delhi Branch Chairman To Adjudicate matter on Urgent basis by the DRRC FOR PROPER AND JUST CLARIFICATION/; INTERPRETATION OF ARTICLE 11 (f) (vi) & 11(f) (xii) OF MEMORANDUM OF ARTICLE

Dear Sir,

1. A request from Sh Lalit Goyal, Chairman, Delhi Branch MES BAI under his letter No MBI/DB/10/2025-26 dated 02 May 2025 has been received by the **DRRC FOR PROPER AND JUST CLARIFICATION/; INTERPRETATION** under Article 23(f) of **Memorandum and Articles of M.E.S. Builders Association of India (Regd {hereinafter refereed as MOA})** as amended up to **31/07/2024** about the applicability of **ARTICLE 11 (f) (vi)** (under heading Election of Branch) & **11(f)(xii)** { under heading Election of Branch } **OF MEMORANDUM OF ARTICLE** for the misunderstanding crops up consequence upon issue of Circulars issued by the Election commission under their :-
 - (i) Circular No 16 dated 27 April 2025 and
 - (ii) Circular No 20 dated 30 April 2025.
2. The DRRC by exercising its vested powers conferred to it by **Article No 23(a), 23(e) & 23(f) of MOA** and competent to examine **FOR PROPER AND JUST CLARIFICATION/; INTERPRETATION OF ARTICLE 11 (f) (vi) & 11(f)(xii) OF MEMORANDUM OF ARTICLE** as stated Below :-
 - (i) **Article No 23(a) Under Heading Disputes** :- 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



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for proper and just clarification /interpretation of the same. Interpretation recommended by the DRRC will be final and binding.

3. On the perusal of Chairman Delhi Branch letter under reference , the Two issues put before the DRRC for PROPER AND JUST CLARIFICATION/; INTERPRETATION OF ARTICLE 11 (f) (vi) & 11(f)(xii) OF MEMORANDUM OF ARTICLE:-

(A) (i) Firstly DRRC examined the ARTICLE 11 (f) (vi) of MEMORANDUM OF ARTICLE which states as below:-

11(f) (iv) " To decide the date and the venue of the AGM and also to elect an election chairman of the Branch, the Hony. Secretary of the branch will convene the executive committee meeting of the Branch and after finalizing the same immediately forward the minutes of the meeting to the HQ, the Vice President of that region and to the EC"

- (ii) The following documents received along with the Delhi Branch Chairman letter under reference were examined by the DRRC :-

Notice of Executive body dated 19/04/2025 & amended notice of executive body dated 24/04/2025

Minutes of executive committee dated 28/04/2025

Copy of a complaint dated 24/04/2025 received through email ID of a terminated member(as a matter of record the Election commission got the Complaint and taken illegal action of issuing of Circular No 16 dated 27 April 2025

Copy of Circular No 16 dated 27 April 2025 issued by the Election Commission

Copy of Circular No 20 dated 30 April 2025 issued by the Election Commission

- (iii) On the perusal of the documents as detailed in Para (ii) above, it is well established that the Delhi Branch followed the laid down Rules and Regulations To decide the date and the Venue of the AGM and also to elect an election chairman for the Branch for 2025-2027 Term all as per norms contained in the MOA Article No 11(f)(vi).

Further to that, the DRRC comes to its unanimous conclusion that misunderstanding crops In between the Election commission and the Delhi Branch Chairman/ Hony Secretary up Regarding the clause Article 11 (f) (vi) MEMORANDUM OF ARTICLE was unwarranted on the part of Election Commission. The DRRC Intemperate and recommended that the all the actions taken by the Delhi branch for convening the Executive Committee meeting of Delhi Branch, decide the date and the venue of the AGM and also elected an election Chairman for the Branch for 2025-2027 Term were in order as per ARTICLE 11 (f)

(vi) MEMORANDUM OF ARTICLE. The Election Commissions unwarranted action to Interference was beyond the Election Commission vested powers conferred to it by the MOA and issuing the Circular No 16 dated 27 April 2025 and Circular No 20 dated 30 April 2025 are not falls under the ambit/ domain of Election Commission under the ARTICLE 11 (f)(vi) of MEMORANDUM OF ARTICLE and the DRRC by exercising its powers conferred to it by the Article No 23(a), 23(e) and 23(f) by the MOA , here by quashed the Circular No 16 dated 27 April 2025 issued by the Election Commission.

The Delhi Branch is directed to proceed with their Election process as started without taking any cognizance to Circular No 16 dated 27 April 2025 and Circular No 20 dated 30 April 2025 issued by the Election commission forthwith.

With the above Decision/ Clarification /Interpretation of Article 11 (f) (iv) of MOA, the Delhi Branch Chairman's prey made under Para 3(a) of his letter No MBAI/DB/10/2025-26 dated 02 May 2025 is hereby decided with a observation that the Election Commission had no vested

powers to intervene in the Delhi Branch's Executive Committee decision To decide the date and The Venue of the AGM and also to elect an election chairman and accordingly the Election



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Commission Circular No 20 dated 30 April 2025 stands Null & Void consequent upon the decision of DRRC to quash the Circular No 16 dated 27 April 2025 issued by the Election Commission.

(B) (i) Secondly the DRRC examined the Authority of Election Commission to interfere in Branch Election prior to start of Branch Election process under ARTICLE 11 (f) (xii) of MEMORANDUM OF ARTICLE which states as below:-

ARTICLE 11 (f) (xii) :- "If any voter has any problem /objection /reservation regarding the functioning of the Branch election chairman ,he can take up the matter with the EC "

(ii) The following documents received along with the Delhi Branch Chairman letter under reference were examined by the DRRC :-
Notice of Executive body dated 19/04/2025 & amended notice of executive body dated 24/04/2025
Minutes of executive committee dated 28/04/2025
Copy of a complaint dated 24/04/2025 received through email ID of a terminated member(as a matter of record the Election commission got the Complaint and taken illegal action of issuing of Circular No 16 dated 27 April 2025

Copy of Circular No 16 dated 27 April 2025 issued by the Election Commission
Copy of Circular No 20 dated 30 April 2025 issued by the Election Commission

(iii) On the perusal of the documents as detailed in Para (ii) above, it is well established that The so motto action taken by the Election Commission under their Circular No 16 dated 27 April 2025 just relying upon the unverified complaint made by some members of Delhi Branch prior to the start of Election process of Delhi Branch for 2025 -2027 Term was Totally against the provisions stipulated under Article 11(f) (xii) of MOA and legally invalid since on 27th April 2025 , the Election process not started for Delhi Branch for 2025 -2027 Term & as a matter of fact the Executive Committee meeting of Delhi branch was scheduled for 28th April 2025 and on 27th April No Elected election chairman was in existence for the proposed Elections of Delhi Branch.

Its unanimous opinion of the DRRC to arrive at to pronounce clarification /interpretation that the Election Commission have no authority to intervene in the Branch elections before the start of Election Process in the Branches and accordingly the Circular No 16 dated 27th April 2025 issued by the Election Commission stands quashed. further to that the Election Commission Circular No 20 dated 30 April 2025 stands Null & Void consequent upon the decision of DRRC to quash the Circular No 16 dated 27 April 2025 and stands Void.

With the above Decision/ Clarification /Interpretation of Article 11 (f) (xii) of MOA, the Delhi Branch Chairman's prey made under Para 3(b) of his letter No MBAI/DB/10/2025-26 dated 02 May 2025 is hereby decided with a observation that the Election Commission had no vested powers to intervene in the Delhi Branch's Election Process prior to start of Election Process in Delhi Branch and accordingly the Election Commission Circular No 16 dated 27 April 2025 & Circular No 20 dated 30 April 2025 stands Null & Void in accordance with the provisions contained in the MOA.

4 With the above clarifications/ interpretation of Articles of Memorandum of Articles of the Association, grievances forwarded by the Delhi Branch Chairman under his letter No MBAI/DB/10/2025-26 dated 02 May 2025 due to misunderstanding crops up between Delhi Branch Chairman /Hony Secretary due to overpower used by the Election Commission stands clarified and the Election Commission is being directed to Act upon



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judiciously based upon clarifications /decision taken by the DRRC as conveyed above in this matter.

5 With this disposal of Delhi Branch letter No MBAI/DB/10/2025-26 dated 02 May 2025, the other complaints made by the following members of Association stands disposed off as received by the DRRC :-

- (i) Complaint Received from the Sh Shiv Kumar Gupta Hony Treasurer HQ
- (ii) Complaint Received from the Sh Mahesh Jain, Vice President (WC)
- (iii) Complaint Received from the Sh C Balasatish, Vice president HQ 23-25
- (iv) complaint received from Sh Vinod Behl Vice President Northern Region
- (v) Complaint Received from the Sh Harpal Singh Council Member , Bareilly Branch

Sincerely



(Lakhbir Singh)

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

Copy to (email only) :-

All DRRC Members

- (i). Hony Gen Secretary, HQ MES BAI, New Delhi / Hony Joint Gen Secretary, HQ MES BAI, New Delhi – with directions to publish on MES BAI OFFICIAL WEBSITE
- (ii). Sh Lalit Goyal , Chairman Delhi Branch
- (iii) Sh Shiv Kumar Gupta
- (iv) Sh Mahesh Jain, Vice President (WC)
- (v) Sh C Balasatish, Vice president HQ 23-25
- (vi) Sh Vinod Behl Vice President Northern Region
- (vii) Sh Harpal Singh Council Member , Bareilly Branch.