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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/ 66

Date 16th May 2025

To,

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

Adjudication in the matter of complaint made by Sh Rajeev Chowdhary (Ex). CEC 2023-2025
Term on legal validity of Circular No 39 dated 12/05/2025 issued by the Election Commission for
2025-2027 Election Term

Dear Sir,

1. A complaint from Er Rajeev Chowdhary (Ex) CEC (2023-2025 Term) has been received by the DRRC FOR to decide legal validity of Circular No 39 dated 12/05/2025 issued by the Election Commission for 2025-2027 Election Term under his complaint bearing letter No R/ DRRC/2025/11 dated 12 May 2025 with request for Urgent adjudicating. Further he had endorsed a copy of his letter No R/HQ.ELECTION 2025-2027/18 dated 13 May 2025 addressed to Election Commission.
2. The DRRC noticed very seriously the act of Election Commission's to issue the Circular No 39 dated 12 May 2025 in spite of when DRRC already issued it's legal opinion / clarification about the applicability of Article 12.3(c)of MOA under DRRC Letter No MBAI/ HQ/DRRC/ 2023-25/ 59 dated 09th May 2025 which is final and binding under Article 23(f) of Memorandum and Articles of Association of M E S BUILDERS ASSOCIATION OF INDIA (REGD) { Here in after will be referred as MOA} .
3. You are requested please to examine Article No 24.4 (mentioned on page No 34) of MOA amended up to 31/07/2024 which is reproduced below:- Any alteration or amendment in these Articles of Association shall be affected only by a "SPECIAL RESOLUTION" passed by 70% majority of votes in the General Meeting due notice for which along with the draft of "SPECIAL RESOLUTION" recommended by the council by at least 70 percent majority of votes was circulated to members of the Association in due time.
4. It is established from the perusal of Circular No 39 dated 12 May 2025 issued by the Election Commission that the Election Commission has altered the provisions of Memorandum and Articles of Association of M E S BUILDERS ASSOCIATION OF INDIA (REGD) at its own justifications described in the Circular whereas the Election Commission have no Authority to do so as per MOA provisions.




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5. The DRRC unanimously in agreement that the Circular No 39 dated 12 May 2025 issued by the Election Commission is in contravention to the provisions of Articles of MOA and attempt to alter the Applicable Article No 12.3(c) of MOA.
12.3(c) under Heading Vacancy which states as under
" *In case any Council member (including Chairman/ Hony Secretary of the Branch) does not attended minimum 5(five) council meetings during one tenure of two years, he shall not be eligible to contest election for any post in the Branch for next one tenure of two years* ".
6. DRRC finally comes to its conclusion on the Complaint made by Sh Rajeev Chowdhary (Ex) CEC 2023-2025 Term and decided that the adjudicating the Complainant made by Sh Rajeev Chowdhary is well within the ambit of the DRRC under Article No 23 (b), (e) &(f) of MOA which conferred to DRRC by the Articles of Association.
7. As observed by DRRC under preceding Para (2) above the act of Election Commission to issue Circular No 39 dated 12 May 2025 is have no legal sanctity as per the Article No 24.4 (mentioned on page No 34) of MOA amended up to 31/07/2024 and accordingly decided to declare the Circular No 39 dated 12 May 2025 as unconstitutional and decided to scrap the same .
8. With the above observations, the DRRC declared the Circular No 39 dated 12 May 2025 as Null and Void. The Election Commission is hereby directed to cancel the Circular No 39 dated 12 May 2025 forthwith and issue fresh Circular to All Branch Election Chairmen to abide by the provisions of Article 12.3(c) strictly. The Attendance Sheet of Each Council member and Branch Chairmen & Hony Secretaries for the Council Term of 2023-2025 has been already uploaded on official website of HQ MES BAI, New Delhi

With the above, by exercising the powers vested upon to the DRRC under article No 23(f) of Memorandum of Article , the complainant made by the Er Rajeev Chowdhary , (Ex) CEC (2023-2025 Term) under his complaint made under his letter no R/ DRRC/2025/11 dated 12 May 2025 stands disposed off.

Sincerely



(Lakhbir Singh)

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

Copy to:-

- (i) Hony Gen Secretary, HQ MES BAI, New Delhi / Hony Joint Gen Secretary, HQ MES BAI, New Delhi – with directions to publish the Decision of DRRC in this matter on MES BAI OFFICIAL WEBSITE
- (ii) Sh Rajeev Chowdhary(Ex) CEC (2023-2025) Term- wrt to your complaint under reference.