



MES BUILDERS ASSOCIATION OF INDIA (REGD.)

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2023-2025

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Hony. General Secretary
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2023-2025

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Imm. Past President

ANIL KAPOOR
(Delhi)
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E-mail: anil@tws.co

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:

1. Letter dated 11/06/2025 by Immediate Past President Mr. Anil Kapoor
2. Letter No. MBAI/HGS/04/2025 dated 10/06/2025 by Hony. General Secretary, MES BAI
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):

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- Hony. Joint General Secretary (Email: msprasantamahanta@gmail.com)
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Imm. Past President
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(Delhi)
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E-mail: anil@tws.co

To,
Hony. Gen. Secretary,
HQ, MES BAI,
New Delhi.

11-06-2025

Sub: Request to nominate Past President Sh. Varinder Kumar Garg as one of the HQ representatives for court supervised mediation

Dear Sir,

At the outset I am deeply concerned when I look at the way some present and former functionaries are up in arms against the duly elected Election Commission of MESBAI because they chose to get the election of Delhi Branch of MESBAI (which is the biggest and the most sensitive branch of our association) done themselves or through their nominated persons at a designated venue chosen by them in order to ensure fair and levelled playing field to all the prospective contestants. As I too am a member of Delhi Branch and very much aware of the ground reality. Even during last elections of Delhi Branch some bouncers were deployed by the group (which are the present set of functionaries of Delhi Branch) to intimidate voters. It is evident that this action of EC has not gone well with the outgoing set of functionaries of Delhi Branch because by such action of EC their scope to manipulate the outcome of the forthcoming elections is seriously jeopardised.

Our constitution of MESBAI (though shabbily written with lots of inconsistencies) clearly intends that elected EC should be allowed to act independently and without any interference from any quarter. EC is given free hand by our constitution of MESBAI during the entire election process which should commence in the month of April of the

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election year and end by July of the same year. If you see for yourself, you will appreciate that the action of EC to get the election of Delhi branch done themselves or through their nominated persons at a designated venue chosen by them does in no way indicate any biases. You will also appreciate that elections of more than 15 branches have already

taken place without any dispute under the present EC. Remaining branches where elections are yet to take place are also having any issue with the functioning of EC.

However, notwithstanding the aforesaid, some present and former functionaries are intervening taking advantage of the loopholes and have created a non-existent dispute wherein Hon'ble Court has had to order for a court supervised mediation. This is unprecedented in the 52 years history of brotherhood in MESBAI.

Our association, which I have served for four years till 2023 as its President, is going through rough weather hence we need sane and experienced persons to join the mediation process from the side of HQ. Therefore, it is my humble suggestion that your good self or President along with our one of the stalwart Past President Sh Varinder Kumar Garg should represent on behalf HQ MESBAI so that a pleasant and pragmatic solution to the disputes can be achieved.

This is for your kind consideration please. Regards,


Anil Kapoor
Immediate Past President

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Ref. No./MBAI/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 : MBAI/Central"B"/10/2025-26

Dated: 09th June, 2025

To
The President / Hony Gen. Secretary
MES Builders Association of India
Headquarters, Nehru Place,
New Delhi-110019

Respected Sir,

The Hon'ble Court has rescheduled the mediation to 15 June 2025 at HQ's request. Any further delay in representation may be seen as non-compliance, especially since the Judicial Officer will be unavailable until 04 July thereafter.

I strongly urge you to nominate Shri Varinder Garg Ji, Past President and Patron Member, as HQ's official representative. His experience, neutrality, and deep understanding of our constitution make him the right choice to ensure fair and meaningful participation.

This timely step will reflect HQ's commitment to resolution and respect for the judicial process. I request that the nomination be communicated to the Court and Mediator without delay.

With regards,

Sumil Panwar

(Signature)

V.P. Central (B)
MES Builders Association of India

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New Delhi

Date: 09th June, 2025

Subject: Intimation Regarding Court-Mandated Mediation on 15 June 2025

Dear Sir/Sirs,

I am to state that, as per directions of the Hon'ble Court, a mediator has to be appointed and the mediation session has been scheduled for **15th June 2025** at the instance of the Headquarters.

In view of the upcoming mediation, I feel it is of utmost importance that we appoint a person of such stature who can represent both ourselves and MESBAI with dignity, patience, and due diligence. A name that comes to mind, with consensus and confidence, is **Shri Varinder Garg Sir**, our esteemed past President.

Shri Varinder Garg Sir has consistently commanded outstanding respect within our association and is well-regarded for his wisdom, composure, and deep understanding of the issues at hand. His appointment as our representative would not only reflect the seriousness with which we are approaching this matter but also ensure that our interests are articulated with the necessary decorum and insight.

BRANCHES

AGRA AHMEDABAD ALLAHABAD AMBALA AMRITSAR ANDAMAN/NICOBAR BABINA BANGALORE BARAMULLA BAREILLY BARODA BARRACKPORE BATHINDA BHOPAL BHUJ BIKANER BINNAGURI CHABUA-MOHANBARI CHANDIGARH CHANDIMANDIR CHANDIPIUR CHENNAI COCHIN DEHRADUN DELHI DINJAN FEROPUR GURDASPUR GUWAHATI GWALIOR GREATER HYDERABAD HISAR HASIMARA JABALPUR JAIPUR JAISALMER JALANDHAR JAMMU JAMNAGAR JHANSI JODHPUR JORHAT KANPUR KARGIL KARWAR KOLKATA KOTA LEH LUCKNOW MATHURA MEERUT MHOW MUMBAI NAGPUR NASIK PANJIM PATHANKOT PATIALA PUNE RANCHI ROORKEE SAUGOR SHILLONG SILCHAR SILIGURI SRINAGAR TENGA TEZPUR UDHAMPUR VASCO VISAKHAPATNAM WELLINGTON YOL



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Imm. Past President

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It is imperative to note that any delay or non-compliance from our side may be viewed seriously by the Hon'ble Court. Therefore, your timely cooperation and presence are requested to ensure smooth proceedings. It is also recommended that his nomination be formally communicated to the Hon'ble Court well in advance to ensure smooth coordination and adherence to the Court's directives.

Thanking you,

Yours sincerely,

Ashok Kandoi

Vice President

Eastern Region (B)

BRANCHES

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Ref: MBAI/HQ/VPS(S)/53/2025

09-06-2025

The President/ Hony. General Secretary
HQ, MBAI, New Delhi.

Subject: Request to Nominate Past President Shri Varinder Kumar Garg as one of the HQ/Council Representative for Court-Supervised Mediation immediately

Respected Sir(s),

I am in the capacity of Vice President Southern (S) Region, MBAI, HQ office bearer write this request letter with utmost respect and in the larger interest of our Association for a timely resolution of ongoing disputes within MES BAI for a smooth continuation of the branch elections and HQ which have come to a standstill situation due to High court order issued on 04-06-2025.

As I was made to understand from the environment (Through Whatsapp and other communications) as per the directions of the Hon'ble Court, a court-supervised mediation meeting was initially scheduled for 09 June 2025 under the guidance of the Hon'ble Chief Judicial Magistrate. On the request of HQ, the Hon'ble Court has graciously extended the mediation date to 15 June 2025. It is important to note that thereafter, the Hon'ble Judicial Officer shall not be available until 04 July 2025.

As such I also understand that the representation from CE 2025-2027 duly elected and constituted body on 09-04-2025 has already declared their two representatives to the Mediation process, as such any further delay in representation from our end that is HQ/Council could obstruct the judicial process and may be construed as a deliberate attempt to derail court-mandated proceedings. Prompt compliance with the Hon'ble Court's directive is both a legnecessity and a moral obligation please.

Contd...., P/2

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Hence as an office bearers I urge and with most humbly and firmly request that your good office immediately nominate Shri Varinder Garg Ji, Past President and Patron Member, as one of the official representatives of HQ/Council in the forth coming mediation proceedings since I feel that Shri Garg Ji would be suitable to represent HQ in a constructive, balanced, and legally sound manner and moreover his deep understanding of constitutional norms make him eminently capable along with his vast institutional experience, impartial stature, further for the nomination of second representative either President or Hony Gen Secretary can mutually decide between either of your one can jointly represent along with Shri Varinder Garg Ji on behalf of HQ

I believe this my earnest request will be acted upon with the urgency as the matter warrants, and appropriate communication shall be immediately made to the Hon'ble Court and Mediator without further delay to get restarted the halted Branch election and HQ election for the term 2025-2027 of our Association.

Thanking You

Yours faithfully,


M Sundararajan
Vice President Southern (S) Region
MBAI, HQ, New Delhi.

BRANCHES

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VP Central-A/131

Date : 10/06/2025

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To

The President / Hony General Secretary
MES Builders Association of India (MES BAI)
Headquarters, New Delhi

Subject: Urgent Request to Nominate Shri Varinder Garg Ji as HQ/Council Representative for Court-Supervised Mediation Scheduled on 14 June 2025

Respected Sir,

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

As per the directions of the Hon'ble Court, a court-supervised mediation meeting was initially scheduled for 09 June 2025 under the guidance of the Hon'ble Chief Judicial Magistrate. On the request of HQ, the Hon'ble Court has graciously extended the mediation date to 14 June 2025. It is important to note that thereafter, the Hon'ble Judicial Officer shall not be available until 04 July 2025.

Hence, any further delay in representation from HQ/Council could obstruct the judicial process and may be construed as a deliberate attempt to derail court-mandated proceedings. Prompt compliance with the Hon'ble Court's directive is both a legal necessity and a moral obligation.

In view of the above, I most humbly and firmly request that your good office immediately nominate Shri Varinder Garg Ji, Past President and Patron Member, as one of the official representatives of HQ/Council in the forthcoming mediation proceedings.

Shri Garg Ji's vast institutional experience, impartial stature, and deep understanding of constitutional norms make him eminently suitable to represent HQ in a constructive, balanced, and legally sound manner.

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This nomination will not only reflect the HQ's commitment to fair resolution but also reinforce the association's accountability towards the Hon'ble Court's expectations.

I trust this earnest request will be acted upon with the urgency the matter warrants, and appropriate communication shall be made to the Hon'ble Court and Mediator without further delay.

With sincere regard,

Yours faithfully,

G S Oberoi
Vice Present Central A
MES BAI, New Delhi

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

Subject: Request for Nomination of Shri Varinder Garg Ji as HQ/Council Representative for Court-Mandated Mediation on 15 June 2025

Respected President Sir,

I hope this message finds you in good health and high spirits.

In view of the directives issued by the Hon'ble Court, and considering the importance of compliance with judicial timelines, I wish to place before you a sincere and time-sensitive appeal.

The court-mandated mediation session—originally fixed for 09 June 2025—has, upon the request of our HQ, been rescheduled to 15 June 2025 by the Hon'ble Chief Judicial Magistrate. However, it is pertinent to note that the presiding Judicial Officer will not be available for any further sittings until 04 July 2025.

Given these circumstances, any further postponement or non-representation from the HQ/Council's end could not only be detrimental to the mediation process but may also reflect adversely on the credibility of our organisation before the judiciary. We must, therefore, act promptly and responsibly.

In light of the above, I earnestly recommend the nomination of **Shri Varinder Garg Ji**, Past President and respected Patron Member, as an official representative of HQ/Council for the upcoming mediation proceedings. Shri Garg Ji's longstanding commitment to MES BAI, coupled with his neutral standing and constitutional insight, make him

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Imm. Past President

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an ideal choice to represent our collective interests with balance and integrity.

His inclusion would demonstrate HQ's intent to resolve matters amicably, uphold institutional decorum, and honour the spirit of judicial intervention.

I respectfully urge your good office to take expeditious action on this matter and communicate the said nomination to the Hon'ble Court and appointed Mediator at the earliest.

With warm regards and full faith in your judicious decision,

Yours sincerely,

(Prasanta Mahanta)
Hony. Jt. General Secretary
MES Builders Association of
India

Date: 10th June 2025

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