



MES BUILDERS ASSOCIATION OF INDIA (REGD.)

Head Office : 807-808, Sahyog 58, Nehru Place, New Delhi - 110019

Telephones : 011-49537644, 26418776 E-mail : mesbai75@yahoo.com

Website : www.mesbai.co.in



Office Bearers
2023-2025

President
G. S. MAGO
(Agra)

Mob. : 9837014222, 9758801354
E-mail : gurucharan.mago@gmail.com

Hony. General Secretary
SANDEEP SRIVASTAVA
(Lucknow)

Mob. : 9415024121
E-mail : lumosinra.pl@gmail.com

Office Bearers
2023-2025

Sr. Vice President :

KUMAR ASHOK (Delhi)

Mob : 9971678883, 9350988830
E-mail: flintindia4@gmail.com

Vice President

C. BALASATISH (Visakhapatnam)

Mob. : 9849166099, 7382926699
Email: balasatishc@gmail.com
diamantovericals@gmail.com

Hony. Joint General Secretary

PRASANTA MAHANTA(Guwahati)

Mob. : 8638125126
E-mail: msprasantamahanta@gmail.com

Hony. Treasurer

SHIV KUMAR GUPTA (Delhi)

Mob. : 9810071265
E-mail: volina@rediffmail.com

Vice President Central Region-A
GURVINDER SINGH OBEROI
(Jabalpur)

Mob. : 09425150900
E-mail: modernbuilders27@gmail.com

Vice President Central Region-B
SUNIL PANWAR
(Roorkee)

Mob. : 9319924205, 7007745237
E-mail: panwarconstruction1971@gmail.com

Vice President Eastern Region-A
PANKAJ KR. PRAHLADKA
(Kolkata)

Mob. : 9433003385
E-mail : sursales8@gmail.com

Vice President Eastern Region-B
ASHOK KANDOI
(Shillong)

Mob. : 9485175781, 7005849781
E-mail: ashokkandoi49@gmail.com

Vice President Northern Region
VINOD BEHL
(Jammu)

Mob. : 9070066622
E-mail: mesbuilder@gmail.com

Vice President Southern (N) Region
DEEPAK M.BALKAWADE
(Nashik)

Mob. : 9822596371, 9028596371
E-mail : deepakbalkawade67@gmail.com

Vice President Southern (S) Region
M. SUNDARARAJAN
(Wellington)

Mob. : 94430 23865, 7904711082
E-mail : msrajan66@gmail.com

Vice President South Western Region
ARVIND MITTAL
(Jodhpur)

Mob. : 9587028845
Email : arvind@manglaamitbuilders.com

Vice President Western Region
MAHESH JAIN
(Delhi)

Mob. : 9810022431
E-mail: maheshjain30@yahoo.co.in

Imm. Past President
ANIL KAPOOR
(Delhi)

Mob. : 9810044862
E-mail: anil@tws.co

To,

All Branch Chairman, Secretaries,
and all members,
M.E.S. Builders Association of India (Regd.)

SUBJECT: CASE STATUS OMP 3 of 2025 TITLED AS PRAVEEN MAHANA Vs KUMAR ASHOK & ORS.

Dear Sirs,

- This notice is being issued to update all the stakeholders of the MESBAI association on the current status of the Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, by Shri Praveen Mahana, being OMP 3 of 2025 titled as Praveen Mahana v. Kumar Ashok & Ors., before the Hon'ble Delhi High Court.
- I have sought comprehensive information concerning the Section 34 Petition along with an Application seeking stay, filed by Shri Praveen Mahana, which is pending adjudication before the Hon'ble High Court. The said Petition has been filed to challenge the decision of the DRRC dated 16.05.2025, by Shri Praveen Mahana under section 34 of the Arbitration and Conciliation Act, 1996.
- In order to ascertain the accurate current status, I have obtained detailed information from Kumar Ashok (Sr. Vice President) represented as party in the said matter. Based on the input received, the following material facts and procedural developments have come to light:
 - Shri Praveen Mahana had filed the Section 34 Petition on 30.05.2025, wherein he had sought for setting aside of the DRRC's directions dated 16.05.2025 under the Arbitration and Conciliation Act, 1996. There is no interim relief granted in the said Petition and the same is pending adjudication before Hon'ble High Court.
 - In addition to the main Petition, Shri Praveen Mahana had also filed an application for placing additional documents and facts on record on 02.06.2025. The said application is accompanied by a list of 14 documents which have been filed on record before the Hon'ble Delhi High Court. The list of documents includes Letter dated 02.06.2025 bearing reference no. MBAI/Election/SCM/2025-27/01; and Election Circular dated 02.06.2025, bearing reference Election Circular No. 25-27/03, issued by the newly constituted

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Election Commission pursuant to the Special Council Meeting held on 02.06.2025, comprising Shri Narendra Kumar Gupta (Chief Election Commissioner), Shri R.M. Singhvi (Election Commissioner), and Shri Prem Nath Roy (Election Commissioner).

c) In the said application Shri Praveen Mahana had also prayed for interim relief seeking stay on the operation of the minutes and resolutions adopted during the Special Council Meeting dated 02.06.2025.

4. Upon detailed analysis of the aforesaid facts and the information received through Sr.Vice President being party on record of the case following stands established that:

a) Shri Praveen Mahana has challenged the DRRC decision dated 16.05.2025 thereby invoking the jurisdiction of the Hon'ble High Court under Section 34 of the Arbitration & Conciliation Act, 1996 seeking to set aside the same along with interim relief of stay. The said Petition is pending adjudication before the Hon'ble High Court which is coming up for hearing on 19.11.2025.

b) The additional Application for bringing on record additional facts and documents has been filed seeking a stay on the minutes and resolutions dated 02.06.2025, relating to the constitution of a new Election Commission and dissolution of erstwhile election.

c) Shri Praveen Mahana has acknowledged the said Special Council Meeting and its resolutions passed on 02.06.2025. In doing so, he has, by necessary implication, conceded that the erstwhile Election Commission, comprising himself as the Chief Election Commissioner, stands dissolved as per the resolution dated 02.06.2025.

d) The present situation may therefore be aptly compared to a person who, having voluntarily invoked the jurisdiction of a statute before a court of law and acknowledged the validity of the resolution dated 02.06.2025 by challenging it, is now estopped from acting in furtherance and issuing any directions as the same would be termed as void and illegal.

e) As such, the Petition along with interim Applications, being sub judice before the Hon'ble High court and there is no any relief granted till date to Shri Praveen Mahana.

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- In view of the above, Shri Praveen Mahana after accepting resolution dated 02.06.2025 and challenging the same before Hon'ble Delhi High court cannot refuse to accept the resolution and unanimous decision made in the special council meeting. Any such act would be in direct contradiction to the MoA and pending challenge initiated before Hon'ble High Court. This implies that any communication, circular and directions issued by Shri Praveen Mahana, Shri Amit Bhaduri and Shri Naveen Kumar Yadav acting as election commission (2025-27) is void and illegal.
- I have already issued a clarification letter dated 03.08.2025 in relation to Election Circular No. Aug/01 dated 03 August 2025 by the dissolved election commission. Further I also declare that no communication, circular and directions issued by Shri Praveen Mahana, Shri Amit Bhaduri and Shri Naveen Kumar Yadav acting as election commission (2025-27) will not be taken on record by the HQ and neither the same will be acted upon.
- Further all the branch chairmen, secretaries and election chairmen are directed not to execute any directions contained in circulars and communication issued by the dissolved election commission composed of Shri Praveen Mahana, Shri Amit Bhaduri and Shri Naveen Kumar Yadav. Further it is also directed to treat the said circulars and communication as void and unauthorized including **Election Commissioner Circular No, Aug/02 dated 04 August 2025.**
- The aforesaid directions are to be followed in its true spirit upholding the governing articles of the Association and unanimous resolution passed in special council meeting dated 02.06.2025.

Thanking you,

Yours sincerely,

(G.S. Mago)
President, HQ MES BAI

COPY TO:

- Shri Praveen Mahana,
- Shri Amit Bhaduri,

BRANCHES

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- iii. Shri Naveen Kumar Yadav,
- iv. All Office Bearers of MES BAI HQ,
- v. All Branch Chairmen,
- vi. All Branch Hony. Secretaries,
- vii. Election Chairmen of Branches - where elections for the term 2025-2027 are yet to be conducted,
- viii. Shri Narendra Kumar Gupta (Chief Election Commissioner), Shri R.M. Singhvi (Election Commissioner) and Shri Prem Nath Roy (Election Commissioner), Election Commission (2025-2027),
- ix. Office Incharge, HQ MES BAI NEW DELHI with directions upload this letter on HQ MES BAI WEBSITE on priority basis and posted on WhatsApp group alongwith email to all concerned.

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