

**SUBMITTED TO THE HON'BLE SHRI JUSTICE PRITHVIRAJ K CHAVAN**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION (ST.) NO. 108 OF 2021  
IN  
APPEAL FROM ORDER (ST.) NO. 104 OF 2021**

**ALONG WITH  
INTERIM APPLICATION (ST.) NO. 118 OF 2021  
IN  
APPEAL FROM ORDER (ST.) NO.116 OF 2021**

The Computer Society of India & Ors. ... Applicants

Vs.

Shri Gautam Mahapatra & Anr. ... Respondents

My Lord,

It is respectfully submitted that Your Lordship has passed an Order dated 29<sup>th</sup> January 2021 and para 4, 5 and 6 of the said order are as under:

4. The Master and Assistant Prothonotary (Adm) of this Court is appointed as an Administrator to preside over the Annual General Meeting to be held on 31<sup>st</sup> January 2021.
5. The Master and Assistant Prothonotary (Adm) before conducting the meeting shall ensure that all the members have been duly served. He shall constitute an Executive Committee and a Nomination Committee thereafter  
Nomination Committee thereafter for the year 2021 to 2023.
6. Stand over to 12<sup>th</sup> February 2021 for directions and to report compliance.

Accordingly, the Prothonotary and Senior Master has appointed me as an Administrator to preside over the Annual General Meeting, to be held on 31<sup>st</sup> January 2021 and directed me to comply directions of the Hon'ble Court vide

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aforesaid order.

I submit my report as under:

I left the home on 30<sup>th</sup> January 2021 around 6.45 p.m from my residence At Mahalaxmi to catch the flight for Hyderabad which is at 9.50 p.m. at International Airport. The said flight reached at Hyderabad at 11.00 p.m. Thereafter I went from Hyderabad Airport to Hotel (named Taj TriStar, SD Road, 1-1-40, Seven Hills, Sarojini Devi Road, Secundarabad, Telangana- 500003. ) and reached at 1.30 a.m on 31<sup>st</sup> January 2021.

In the morning i. e. on 31<sup>st</sup> January 2021 at around 10.30 driver came to the Hotel for pickup me to the venue of the Annual General Meeting.

I reached at the venue of Annual General Meeting at 10.50 a.m

The Annual General Meeting scheduled at 11.00 a.m.

Therefter I met one of Mr. Sanjay Mahapatra and was told that as there is no quoram to start the meeting . Therefore for the said meeting was postponed for half an hour as the quoram has not reached by 11.00 a.m. By 11.30 the attendance has crossed 100. There was 111 members present in the meeting.

**(Photopy attendance sheet is put up herewith for Your Lordship's perusal and Marked "A")**

Accordingly, the meeting started at around 11.30 a.m.

As per the directions of the Hon'ble Court I have asked Mr. Gautam Mahapatra who was seated on my right hand side to inform total number of members of the Society.. I was told by him that there are 7569 registered members of the Society. I have asked him whether the notice of the Annual General Meeting have been duly served to all the 7569 members. He told me Yes and he has produced list of the members to whom he has duly served the notice . The said notice

posted on the CSI Website <http://csi-india.org.in> on 29<sup>th</sup> December 2020.

**(List of the members is put up herewith for Your Lordship's perusal and Marked "B")** . When the point of communication of AGM notice to members came up for discussion, among the members present 9 members stated that they have not received any email communication but they came to know through other sources like website (<http://csi-india.org.in>) and through other social and communication media about this meeting. 102 members acknowledged and raised their hands confirming the receipt of email communication.

One member , Shri Kamalakannan , stated he has not received any communication formally in email but came to know through CSI social groups and is attending the AGM group .

Dr. Prema also stated that she has not received any such email communication but came to know about this AGM through on Whatsapp.

I immediately asked Mr. Gautam Mahapatra why the intimation of the todays meeting has not been given to her on her E-mail Id . I was told by him that the intimation of todays meeting is given on the Society's Website , on mail address and Whatsapp.

One Dr. Deepak Pathak , mentioned that he is serving as a CSI member from last 50 years and he was surprised to note that he does not have voting rights. I have inquired about the same, I was told by Sanjay Mahapatra that in the 51<sup>st</sup> Annual General Meeting (AGM) of the Computer Society of India was held at Combatore on 25<sup>th</sup> January 2017 and the Item No.6 was discussed.

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**Item No. 6 :**

**Annual Election Year 2017-2018/2019**

C. It was resolved that, Time and again several of our senior members have expressed concern that our membership database contains a lot of email ids and addresses no more valid. This has resulted in several of our communications not reaching the members. This has also resulted in poor voting in our elections. There have also been complaints of fake voting. This issue was discussed in the Annual General Body Meeting at Coimbatore on 25<sup>th</sup> January, 2017 and it was resolved to take up the database cleaning *update activity before the elections for the year 2017-2018/2019*. The AGM ratified the formation of a committee consisting of Mr. S. Ramanathan, Chairman of Committee and Mr. Sanjay Mahapatra, Past Secretaries and Prof. A. K. Nayak, Secretary, CSI are members of committee. With a view to authenticate the membership details, it was resolved in the AGM at Coimbatore to request the members to submit personal identification details on line in the portal [ww.csi-india.org](http://ww.csi-india.org) by using Membership No. And only those members who have completed this process before 28<sup>th</sup> February will be deemed eligible voters for the ensuing elections. While those who have not submitted the identification details as members of CSI and enjoy other privileges, they will have voting rights only on submission of the details.

(Photo copy of the Minutes of Meeting of the AGM at Coimbatore dated 25<sup>th</sup> January 2017 and attendance sheet are put up herewith for Your Lordship's perusal and Marked "C" and "D")

Thereafter Shri Venkat Parasuram, opined that the very presence of more than 100 members including some from other chapters itself indicates that information about AGM is received in one or other form.

Shri Seshu Venkata, requested that every member should work responsibly to bring back the Glory of CSI and requested the house to help the Administrator in conducting the meeting smoothly.

One member Shri Rangaswamy stood up and said that there are 14,000 members of the Society. He has also not received the intimation of the today's AGM. He came to know from the other members. He has also objected saying that the event is a General Body Meeting and not Annual General Meeting. Shri Chandra

informed that the Hon'ble High Court's order stated it as AGM .

Shri Rangawamy objected to Shri Sanjay Mahapatra sitting on the stage. This point also was clarified referring the Hon'ble Dindoshi Court's Order dated 18/12/2020 in which it is stated that both the Plaintiff and Defendant No.2 (Dr. Gautam Mahapatra and Shri Sanjay Mahapatra ) should jointly organize the AGM and hence he is invited on the stage and requested both of them to make opening remarks giving the overall context of the Court Order and background.

I was told Shri Gautam Mahapatra and Shri Sanjay Mahapatra that the City Civil Court at Dindoshi Mumbai Order dated 18/12/2020 that Plaintiff and defendant no. 2 jointly to call meeting of the general body of the society as per the by laws of the society for election of executive committee. **(Photocopy of the said Order is put up herewith for Your Lordship's persual and Marked " E")**

The notice of AGM has been given to the Registered Members only on 29<sup>th</sup> December 2020 . The total 7569 notices sent to the members .

After the discussion , I have asked the members to propose the names for the positions in OB of Executive Committee one after another in the order of President, Secretary , Treasurer and Vice Preseident. I have requested all the members to participate in the election process. The following names were proposed and based on the number of members and requested to raised their hand up to caste their vote in favour of the proposed member.

Mr. P.R. Rangawamy has objected that this AGM can not do the election because it is not as per the constitution and he said that the voting should be through ballot

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Accordingly for post of 1) President : Dr. Gautam Mahapatra 's name was proposed and he was declared elected with 85 members voting in his favour.

2) Secretary : Shri Raju Kanhubholta's name was proposed and he was declared elected with 79 members voting in his favour.

3) Treasurer : Manas Pattanaik's name was proposed and he was declared elected with 83 members voting in his favour.

4) Vice-President ; Venkat Parasuram's name was proposed and he was declared elected with 83 members voting in his favour.

Thereafter, the members have passed the Resolution to form Nominations Committee.

After that I have asked the members to propose the names for the Nominations Committee and the members have proposed names of the following 3 members to the NC one after another and the AGM in each with a more than 70% of members voted in their favour .

- 1) Nomination Committee member : Dr. D. D. Sharma
- 2) Nomination Committee member : Shri Seshu Venkata
- 3) Nomination Committee member : Shri A. M Sudhakara

As instructed by me Mr. Chandra Dasaka readout the final slate.

Shri Bala Peddigari proposed Vote for thanks and thereafter the AGM was concluded.

I have received a letter dated 5<sup>th</sup> February 2021 on 8<sup>th</sup> February 2021 from Chandra S Dasaka, Chairman -Computer Society of India – Hyderabad Chapter with envelop contains :

1. Flash Card containing video recording of the AGM.

2. Documents.

- a. MoM of the AGM Hyderabad 31/01/2021
- b. Attendance sheets of the Hyderabad AGM
- c. MoM of the AGM Coimbatore 25/01/2017
- d. Attendance sheet of the Coimbatore AGM
- e. Dindoshi court documents

I have also received one more envelope contains 58 Photographs of the AGM held on 31<sup>st</sup> January 2021 and One Memory Stick containing the video recording of AGM held on 31<sup>st</sup> January 2021 at CSI Registered Office at Secunderabad on 8<sup>th</sup> February 2021.

**(Photo copy of Minutes of Meeting of the AGM at Hyderabad dated 31<sup>st</sup> January 2021, 59 photos of the meeting and Memory Stick containing the video recording of AGM 31<sup>st</sup> January 2021 at CSI Registered Office at Secundeerabad are put up herewith for Your Lordship's perusal and Marked F, G and H ).**

I left the Hotel around 6.30 P.M. on Sunday 31<sup>st</sup> January 2021 to reach the Hyderabad Airport . The flight was at 9.30 P.M. I reach at the Mumbai Airport around 11.00 P.M and reached at home 11.45 P.M.

Hence, the report is submitted to the Hon'ble Court for kind perusal . It is also requested to kindly quantify the cost of Administrator's work.

Dated: 09<sup>th</sup> February 2021

  
Master & Asstt. Prothonotary (Adm)

