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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010400712026

+ **W.P.(C) 12404/2026 with CM APPL. 57566/2026 and CM APPL. 57567/2026**

SUBHASH BHARTI

.....Petitioner

Through: Mr. J. Sai Deepak, Senior Advocate
with advocate (*appearance not given*).

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rajiv Pandey (GP), Advocate for
R-1 (*through VC*)
Ms. Pinky Anand, Senior Advocate
(*through VC*) with Mr. Bhaskar
Bhardwaj, Mr. Gaurav Tandon, Ms.
Gauri Goburdhan, Ms. Saudamini
Sharma and Ms. Adeti Salooja,
Advocates.
Mr. Pranav Prateek, Advocate for R-
13.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **25.08.2026**

CM APPL. 57567/2026 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 12404/2026

2. The present writ petition has been filed seeking the following reliefs:



- a. Issue an appropriate writ, order or direction quashing the decisions of the Council dated 22–23 May 2026 and 10 June 2026, insofar as they approve the conduct of the ICSI Elections–2026 through electronic voting, along with the corresponding Agenda Notes and Minutes of the Meetings, and direct that the said elections be conducted through the existing physical mode of voting in accordance with the Company Secretaries Act, 1980 and the Company Secretaries (Election to the Council) Rules, 2006.
- b. In the alternative, and without prejudice to prayer (a), direct that no electronic voting mechanism be implemented for ICSI Elections–2026 unless the Respondents first establish, to the satisfaction of this Hon'ble Court, that the proposed system is supported by adequate statutory, technical and procedural safeguards including a voter-verifiable and independently auditable trail, cyber-security certification, a genuine pilot exercise with its results disclosed to the entire membership, certification that adequate infrastructure including high speed internet, hardware and software, OTP delivery ensure in remote voting as well as booth voting to the voter directly to ensure that no member is deprived of his/ her right of voting and an independent third party examination ensuring the resilience of the backend systems against unauthorised access, privilege escalation, data manipulation or cyber intrusion are in place;
- c. Direct that Respondent No. 3 shall not act as Returning Officer nor anyone from the Secretariat including the Respondent no. 2, and shall not participate, directly or indirectly, in the conduct, supervision, administration, data management, agenda processing, vendor coordination, counting, audit, declaration of result or record preservation relating to ICSI Elections–2026.
- d. Direct the appointment, in his place, of an independent Returning Officer or Administrator or such other person as may be nominated under the supervision of this Hon'ble Court or the MCA;



- e. Direct that the conduct, supervision and administration of ICSI Elections-2026 be placed under the oversight of an independent and impartial authority or observer, as this Hon'ble Court may deem fit, so as to ensure a free, fair and transparent electoral process, and, pending final disposal of the present petition, restrain the Respondents from implementing electronic voting except under such supervision and subject to Court-approved safeguards ensuring voter verification, data integrity, secrecy of the ballot, pilot exercise and recounting of ballots;
- f. Direct the Respondents produce all records, documents, electronic data and communications pertaining to the electoral process, including those relating to the decision to introduce electronic voting, the March 2026 agenda and its outcome, the subsequent revival and approval of the proposal in May-June 2026, and all address-change related material including portal uptime/downtime logs, member complaints and backend corrections made by the Secretariat;
- g. Direct the Respondents to produce the complete record relating to the contractual appointment and subsequent regularisation of Respondent No. 3, including agenda papers, attendance sheets, objections raised by Council Members, and the correspondence exchanged with the Ministry of Corporate Affairs in that regard;
- h. Direct an independent forensic and data audit of access to, and sharing of, the ICSI member database, including whether any private individual or entity including any person or platform referred to in this Petition has had unauthorised access to member data;



- i. Direct the Respondents to produce records of institutional programmes, seminars, conferences, and committee or board appointments over the last four years involving past Presidents associated with GDR & Partners LLP, and to disclose whether any partner of the said LLP has received any professional benefit, referral, visibility or other advantage through the Institute's institutional platforms;
 - j. Direct an independent inquiry into whether the Institute's platforms have been selectively used to promote or sustain the professional relevance of partners of GDR & Partners LLP;
 - k. Issue an appropriate writ, order or direction directing that, upon expiry of the statutory tenure of the existing Council, the Council shall stand dissolved and no office bearer, including the President, Vice-President or any elected member, shall continue in office; and, pending the conduct of fresh elections, appoint, or direct the Central Government to appoint, an independent Administrator to manage the affairs of the Institute and conduct free, fair and transparent elections, including by reconsidering and suitably modifying the proposed election schedule on the basis of objective, transparent and non-arbitrary criteria so as to ensure maximum voter participation and a fair and neutral electoral process.
3. Issue notice.
4. Notice is accepted by the counsel appearing on behalf of the respondents.
5. Replies be filed within four (4) weeks from today.
6. List on 27th October, 2026.

AMIT BANSAL, J

AUGUST 25, 2026/Rzu