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

***Date of Decision: 17TH November, 2026***

***Uploaded On: 19th November, 2026***

\# **CNR No. DLHC010486832026**

\+ **W.P.(C) 14951/2026**

MANAGEMENT COMMITTEE OF NPSC CGHS LTD. .....Petitioner

Through: Mr. Aman Sinha and Mr. Sarthak Pandya and Mr. Varun Pratap Singh, Advocates.

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND ORS. .....Respondents

Through: Mr. Ashish Aggarwal, Ms. Yashmita and Ms. Nishtha Verma, Advocates with Respondent no 3 in person.

**CORAM:**
**JUSTICE PRATHIBA M. SINGH**
**JUSTICE DINESH BHATT**

**Prathiba M. Singh, J. (ORAL)**

1. This hearing has been done through hybrid mode.

2. This matter is being taken up today for hearing as 16th November, 2026 was declared a holiday on account of ***Chhath Puja*** vide ***Notification No.110/G-4/Genl.-I/DHC*** dated 11th November, 2026.

3. The present petition has been filed by the Petitioner – Management Committee of NPSC CGHS Ltd. (hereinafter the '*Society*') under Article 226 of the Constitution of India *inter alia*, seeking quashing of the impugned order dated 17th September, 2026 passed by the Respondent 2-Deputy Registrar, Office of the Registrar of the Cooperative Societies and the following directions are sought -

(i) Direct the Respondent 1-Registrar of Cooperative Societies

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(hereinafter '*RCS*') to withdraw all proceedings in regards of the Society from the Respondent 2.

(ii) Direct the RCS to give effect to the Inspection Report dated 24th August, 2026

4. *Vide* order dated 28th October, 2026, the Court had directed the Observer's Report to be brought on record and objections to be filed by the Petitioner, if any.

5. The Court had also directed the Managing Committee which is running the affairs of the Society, to not make any major expenses and use the funds of the Society only for day to day expenses.

6. Today, the Observer's Report has been placed on record.

7. The Petitioner has also filed its objections to the Observer's Report. In support of the Petitioner's objections filed to the Observer's report, the certificate of an expert Professor Dr. Naveen Rajpal employed as Professor of Information Technology, University School of Information Communication & Technology, Guru Gobind Singh Indraprastha University, Dwarka, New Delhi, has been filed. The said certificate is furnished along with Hash report in terms of Section 63(4)(c) of the BSA for proving certain records relied upon by the Petitioners including CCTV records.

8. Ld. Counsel for the Petitioner has taken serious objection to a letter dated 13th November, 2026 written by Respondent No.3 – Col. Rajinder Singh Pahwa (Retd.) to the said Expert's University including the Vice Chancellor of Guru Gobind Singh Indraprastha University seeking various clarifications and in effect making certain imputations against the said Expert. The said Expert has been asked by the University, to submit pointwise comments on the issues raised by Respondent No.3 in his letter. It is submitted by ld.

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Counsel that the Respondent no.3 is in effect raising various allegations against the said Expert, which amounts to threatening the Expert with adverse consequences, for having furnished a simple certification under Section 63 of BSA for proving the electronic evidence.

9. Insofar as furnishing of an expert affidavit under Section 63 of BSA is concerned, recently the Supreme Court has considered the issue of Expert certifications in ***W.P.(C) 599/2026*** titled ***Pune Bar Association v. Union of India & Ors***. In the said case, challenge was raised to the constitutional validity of Section 63(4) of BSA. Vide order dated 22nd May 2026, the Supreme Court has observed as under:

> *"1. Petitioner, Pune Bar Association, contends that Section 63(4) of Bharatiya Sakshya Adhiniyam, 20231, read with the Schedule thereto is unconstitutional as it imposes undue hardship on an ordinary litigant by requiring submission of a certificate prescribed in the Schedule comprising Part A which needs disclosure of the hash value of digital records, and Part B which must be signed by an expert. Ld. Counsel argues imposition of such pre-requisites for admissibility of electronic records is an extremely onerous obligation on a litigant and renders the provision manifestly arbitrary and unjust.*
>
> *2. With advancement of technology, digital space has encroached on all spheres of human life. Consequently, evidence in the form of electronic record has become commonplace in all litigation. Physical documents are increasingly replaced with digital records like electronic mails, audiovisual clips etc. To address the admissibility of such electronic records, Section 65B was incorporated in the erstwhile Evidence Act2. Subsequently, BSA replaced the said provision with Section 63(4) which inter alia provides that electronic records must be accompanied by a certificate as set out*

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*in the Schedule to the Act. The certificate so prescribed comprises Part A, which inter alia requires disclosure of hash value of the electronic records in addition to the declaration required under the erstwhile Section 65B of the Evidence Act. Part B of the certificate requires a further declaration signed by an expert.*

*3. Electronic record is a unique species of evidence which is liable to continuous mutation and modification affecting its authenticity, integrity and intrinsic evidentiary value. Challenges to admissibility and probative value of electronic records are further accentuated with the advent of artificial intelligence and deepfake technology. Such fast and varied transformation in technology necessitated reviewing the erstwhile Evidence Act and the BSA was enacted. Statement of objects and reasons for enacting the BSA inter alia emphasises:*

> *"(ii) it provides for admissibility of an electronic or digital record as evidence having the same legal effect, validity and enforceability as any other document;*
>
> *(iii) it seeks to expand the scope of secondary evidence to include copies made from original by mechanical processes, copies made from or compared with the original, counterparts of documents as against the parties who did not execute them and oral accounts of the contents of a document given by some person who has himself seen it and giving matching hash value of original record will be admissible as proof of evidence in the form of secondary evidence . "*

*4. To achieve such objective, Section 63(4) of BSA improved upon the certificate envisaged under the old law by mandating the issuance of a standard-form certificate prescribed in the Schedule which inter alia requires the disclosure of hash value of the electronic/digital record along with a further*

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*certification by an expert. Hash value of an electronic data is synonymous with an electronic fingerprint and provides a sure way of identifying and verifying digital data. The necessity of incorporating the hash value of the electronic record in the certificate is thus to ensure its authenticity and integrity, and cannot be said to lack a rational nexus with the object of the Act. Similarly, certification by an expert in Part B provides an additional layer of authenticity to the secondary electronic evidence. For these reasons, we are of the considered view that the new provision has a clear and rational nexus with the object of the law and cannot be said to be either arbitrary or unreasonable so as to suffer from the vice of manifest arbitrariness.*

*5. At this juncture, referring to a judgement of the Madras High Court3, Ld. Counsel submits Part B must be filled up by an expert notified under Section 79A of the Information Technology Act, 20004. He contends that only a handful of entities are authorized by the Central/State government to examine electronic evidence under the said provision, thereby causing undue hardship and rendering its implementation illusory.*

*6. We have perused the cited judgment, wherein the Madras High Court, in a matrimonial case instituted in 2019 inter alia held that the same would be governed by the erstwhile Evidence Act. Thereafter, it proceeded to analyse Part B of the Schedule in Section 63(4) to hold that the certificate by an expert therein must be by an Examiner of Electronic Evidence under Section 79A of the IT Act. In doing so, the High Court merely referred to Section 39(2) of the BSA and not sub-section (1). Section 39 deals with admissibility of opinions of experts. Sub-section (1) states when the Court has to form an opinion on a point of foreign law, science or art or any other field, or as to identity of handwriting or finger impressions, the opinion on that point of persons having special skill in such domain namely foreign law,*

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*science or art, or any other field, or in respect of identity of handwriting or finger impressions becomes a relevant fact. Subsection (2) provides when in a proceeding, the Court has to form an opinion on any matter relating to information transmitted or stored in any computer resource or any other electronic or digital form, the opinion of the Examiner of Electronic Evidence under Section 79A of the IT Act shall be treated to be that of an expert and be admissible as a relevant fact.*

*7.* ***If the two sub-sections are read harmoniously, it is possible to hold, in addition to entities notified as Examiner of Electronic Evidence under Section 79A, if the Court is satisfied, on the basis of unimpeachable material, that any other person has special skill and expertise in computer science and cyber forensics, opinion of such person may be held relevant as an expert with regard to electronic/digital record and such person may sign Part B of the Schedule as an expert. We are further fortified to make such observation as sub-section (2) of Section 39 (unlike 63(4) and erstwhile 65B) is not prefaced by a non-obstante clause so as to exclude the operation of sub-section (1) from the arena of electronic records.*** *The High Court had deferred adjudication of such issue and directed the State to notify adequate number of persons under Section 79A.* ***Under these circumstances, we hold that the finding of the High Court that Part B must be filled up by an expert notified under Section 79A of the IT Act shall not be treated as a binding precedent****. As we are not inclined to admit the matter and issue notice upon the Union of India, we refrain from giving any conclusive opinion on this issue and keep the question of law open. With this clarification, the petition stands disposed of."*

10. It would be relevant to note that for the purpose of proving electronic evidence, experts can give certificates under Section 39 read along with Section 63 of BSA.

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11. Further, Section 79A of the Information Technology Act, 2000 provides that the Central Government may by notification specify any department, body or agency as an examiner of electronic evidence.

12. However, such a notification as has been held by the Supreme Court, in ***Pune Bar Association (supra)*** would not be mandatory. Other experts who may or may not be notified, who have special skills and expertise in computer science, etc. can also be treated as experts by a Court on the basis of unimpeachable material. Considering the large number of cases which are filed across the country where expert certificates would be required to prove electronic evidence, it is but natural for litigants to approach qualified experts to give such certificates. Most experts may be in employment of public or private organisations and if upon giving such certificates, their employment is jeopardised, the same is likely to result in harassment to such experts.

13. It is usual for litigants who rely on electronic evidence to file expert certificates from qualified experts before a Court of law, which is what the Petitioner has done in the present case.

14. The communication written by Respondent No.3 is nothing but a pure harassment for such an expert who may have merely certified electronic records.

15. To write an email as has been done by Respondent No.3 to his University is nothing but a veiled threat and browbeating of a Professor who is serving in the University.

16. If the Respondent No.3 had any objection to the Expert's certificate, he ought to have approached this Court seeking any clarification or directions.

17. Such communications by litigants to employers of such experts would completely defeat the purpose of the enactment and may result in experts

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becoming hesitant to give certificates under BSA, which would not be in the overall spirit of the statute.

18. Respondent No. 3, present today in Court, assures and undertakes to the Court that the communication written by him to the Guru Gobind Singh Indraprastha University, Dwarka, New Delhi shall be withdrawn by him by way of an email today itself. Copy of the said letter handed over in Court today, is taken on record.

19. In any case the Guru Gobind Singh Indraprastha University shall not take any action pursuant to the said letter written by Col. Rajinder Singh Pahwa (Retd.)-Respondent No. 3 to the University regarding Professor Dr. Naveen Rajpal.

20. Ld. Counsel for the Respondent is permitted to file reply to the objections filed by the Petitioner at least one week before the next date of hearing.

21. RCS shall keep the entire record relating to the Society ready for reference of the Court by the next date of hearing.

22. List on 17th December, 2026 ***in the supplementary list.***

**PRATHIBA M. SINGH**
**JUDGE**

**DINESH BHATT**
**JUDGE**

**NOVEMBER 17, 2026/MR/as**

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