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

Date of decision: 19th August, 2026

Uploaded on: 20th August, 2026

CNR No. DLHC010070202026

+ **W.P.(C) 2580/2026 and CM APPL. 55357/2026**

MR BALVINDER SINGH

.....Petitioner

Through: Mr. Vipul Saini, Mrs. Poonam Saini
and Mr. Nikhil Mann, Advocates.

versus

REGISTRAR OF CO OPERATIVE SOCIETIES DELHI
& ANR.

.....Respondents

Through: Ms. Urvi Mohan, Adv., Ms. Mahika
Bisht, Adv., for RCS.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking directions to the for possession of the flat in the ESIC Friends Co-operative Group Housing Society Ltd. to the Petitioner.
3. The grievance of the Petitioner is that, despite the fact that the Petitioner is a member of the ESIC Friends Co-operative Group Housing Society Ltd. (*hereinafter*, 'Respondent No.2') since 1988, the allotment of the flat has not



been made in his favour.

4. On 24th February, 2026, the Court had considered the following submissions of the Id. Counsels for the parties:

“[...] 5. According to the Id. Counsel for the Petitioner, the cost of the flat paid by the Petitioner is approximately Rs.15,00,000/-. The Petitioner is stated to have paid the cost of the flat and the electricity, water and maintenance charges. etc. Despite the same, the flat has not been allotted to the Petitioner.

6. Further, Id. Counsel for the Petitioner places reliance upon W.P(C) 8371/2024 titled ‘RK Tolani v. ESIC Friends Co-operative Group Housing Society Ltd & Ors.’ It is contended that the Petitioner is similarly placed to Mr. R.K. Tolani, in whose case, vide order dated 30th January, 2026, the Court had directed physical possession and allotment of flat to the said Petitioner.”

5. After considering the submissions, on the said date, the Court had observed that the Petitioner, despite having paid electricity, water and maintenance charges, has not yet received the physical possession of the flat in the Society.

6. On the subsequent hearings, the Court has been informed that the Managing Committee of the Society has been disbanded and in fact, an Administrator has been appointed in the matter.

7. An affidavit on behalf of Shri. Suraj Bhan, the Administrator of the Society has been filed.

8. As per the said affidavit, there are two vacant flats i.e., Flat No. 313 and 316 in the Society. It is stated that the other occupants have kept their



belongings in these two vacant flats.

9. The Administrator is stated to have taken action, and requested all the flat owners to remove their belongings and debris from the two vacant flats.

10. It is also stated that the said flats have been vacated and possession has been taken by the Administrator on 15th April, 2026. In this regard, a detailed status report is stated to have been submitted by the Administrator to the Registrar of Cooperative Societies (*hereinafter*, 'RCS') on 16th April, 2026.

11. Finally, it is stated that the Administrator has no objection if the flat is allotted to the Petitioner. The relevant portions of the affidavit on behalf of the Administrator is set out below:

"[...] 5. I say that on 07.04.2026, I alongwith Ex-President, Ex-Vice President visited the two vacant flat i.e. 313 and 316 (only two available flats) and after inspection I found that flat owners of flat no. 312, 317, 216 and 116 kept their belongings in two vacant flats, Flat No. 313 was under the lock of Smt. Vidyawati, flat owner of 312 and the other flat no. 316 under lock and key of three flat owners i.e. 317, 216 and 116. I orally requested all these flat owners to remove their belongings and debris from the flat no. 313 and 316. Copy of the inspection report dated 07.04.2026 is annexed herewith as ANNEXURE-D".

6. I say that despite of repetitive oral request, the vacant flat no. 313 and 316 were not vacated by these persons under that circumstance vide memorandum dated 10.04.2026 the deponent directed the flat owners of Flat No. 312, 317, 216 and 116 to vacate the flat. Copy of the memorandum dated 10.04.2026 is annexed herewith as ANNEXURE-E".

7. I say that in compliance of the memorandum dated 10.07.2026, the vacant flats no. 313 and 316 were



vacated by these persons and the possession of flats were taken by the deponent on 15.04.2026. The photographs depicting the belongings of the persons are annexed herewith as "ANNEXURE-F".

8. I say that after taking the possession of two vacant flat a detailed status report dated 16.04.2026 were submitted in the office of the Registrar Cooperative Societies by deponent. Copy of the status report dated 16.04.2026 is annexed herewith as "ANNEXURE-G".

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13. I say that as the earlier Managing Committee has already forwarded the name of the Petitioner to the Registrar Cooperative Societies for draw of lot, the deponent has no objection for allotment of the flat in favour of the Petitioner."

12. On behalf of the RCS, a status report has been filed by Deputy Registrar, Mr. Sandip Dutta, that the Administrator has been asked for a status report, and as per the said status report, two flats *i.e.*, flat Nos. 313 and 316 are lying vacant in the Society.

13. Mr. Piyush Goel, Id Counsel under instructions of Mr. Sandeep Kumar, Id. Counsel for the Administrator submits that the Administrator has no objection, if the flat is allotted to the Petitioner.

14. The RCS also has no objection if one of the vacant flats in the Society is allotted to the Petitioner.

15. Accordingly, the Petitioner be allotted Flat No. 313 in the Society within a period of one week from this order.

16. The physical possession of the said flat be also granted to the Petitioner, within a period of one week from this order..



17. After the physical possession of Flat No. 313 is handed over, let the RCS send the recommendation to the Delhi Development Authority (*hereinafter*, 'DDA') for formal allotment of the said flat, which shall be done by the DDA within a period of one month.
18. Ld. Counsel for the Petitioner, at this stage, submits that there are certain additional amounts which the Petitioner has paid to the Society. He prays that he may be permitted to avail of his legal remedies.
19. The petition is disposed of with the direction that the flat be handed over to the Petitioner within one week. Insofar as any other reliefs are concerned, the Petitioner is permitted to avail of his remedies in accordance with law.
20. **CM APPL. 55357/2026** is also disposed of.
21. The next date of hearing *i.e.*, 3rd November, 2026 stands cancelled.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

AUGUST 19, 2026/MR/SM