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

+ W.P.(C) 674/2014 & CM APPL. 1359/2014.

% *Judgment dated 6th August, 2015*

YAGYA JYOTI COOPERATIVE GROUP

HOUSING SOCIETY & ANR.

..... Petitioners

Through : Mr.Rakesh Munjal, Sr. Adv. with
Ms.Srishti Sharma and Mr.Ankur Arena,
Advs.

versus

REGISTRAR COOPERATIVE SOCIETIES & ORS. Respondents

Through : Mr.Sanjoy Ghose, Mr.Rishabh and
Ms.Pratishtha Vij, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present writ petition has been filed by the petitioners under Articles 226 and 227 of the Constitution of India seeking a direction to quash/set aside the Order dated 20.12.2013 passed by Financial Commissioner and the Order dated 13.2.2011 passed by the Registrar Cooperative Societies.
2. The brief facts, which have given rise to the filing of the present writ petition, are that petitioner no.1 is a Cooperative Group Housing Society duly registered with the Registrar of Cooperative Societies and is governed by the provisions of Delhi Cooperative Societies Act, 2003 (hereinafter referred to as the Act) and the Rules framed thereunder. The

Registration number allotted to the petitioner no.1 society is 1458. Petitioner no.1 Society is still awaiting the allotment of land since the year 1983-84.

3. On 5.10.2006, the Registrar issued a notice to the petitioner under Section 96(1) of the Act proposing to dissolve the society and asked the petitioner society to reply within a period of thirty days. The petitioner no.1 society submitted its reply dated 11.10.2006 along with relevant documents. However, since the said reply was not found satisfactory, the Registrar, Cooperative Society, on 31.10.2006 issued another notice under Section 96(2) of the Act whereby the petitioner society was asked to intimate to the department as to whether cooperative society was carrying on the business or not. The petitioner no.1 society thereafter again filed reply dated 3.11.2006 to the notice under Section 96 (2) of the Act.
4. It is the case of the petitioners herein that upon submission of the reply dated 3.11.2006 with supporting documents, no further communication was received and, thus, the petitioner was of the impression that the Registrar was satisfied with the reply and the show cause notice was deemed to be withdrawn. Mr.Munjhal submits that the petitioner was shocked to receive another communication dated 21.12.2010 primarily on the same grounds that the society was lying defunct and non-functional. Again a detailed reply was issued on 5.1.2011 informing the Registrar about holding of General Body Meetings, enrolments, audits upto 2009-2010 and other relevant correspondence. On 14.3.2011, the Registrar Cooperative Societies passed an Order under Section 99 of the Act liquidating the petitioner no.1 society. An appeal filed thereof before the Financial Commissioner was rejected.
5. Learned senior counsel for the petitioners submits that despite detailed replies and annexing supporting documents, the Registrar, Cooperative

Societies, and the Financial Commissioner have failed to take the same into consideration. It is further submitted that the first show cause notice was issued to petitioner society in the year 2006 and the final order was passed in the year 2010, which by itself would show that the action is stale and would also show complete non-application of mind.

6. The delay in passing the Order dated 14.3.2011 is sought to be explained by learned counsel for the respondents on the ground that after issuance of the show cause notice, large number of petitions were pending in the Delhi High Court with regard to various societies including petitioner no.1 society, which led to the inordinate delay in dealing with the matter.
7. We have heard counsel for the parties. Without expressing any opinion on the merit of the matter and having regard to the fact that the first show cause notice was issued to the petitioner in the year 2006 and the final order was passed in the year 2011, we deem it appropriate to dispose of the writ petition with the following directions:

- (i) The respondents are granted liberty to issue a fresh show cause notice to petitioner no.1 society.
- (ii) The petitioner no.1 society shall file its reply by annexing relevant/supporting documents within two weeks from today with the Registrar, Cooperative Societies;
- (iii) The Registrar will fix a date and grant personal hearing to the representative of petitioner no.1 society within two weeks thereafter;
- (iv) The Registrar after considering the reply and the supporting documents, pass a reasoned order within three months.

8. Present petition stands disposed of in view of above.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 06, 2015

msr