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

+ W.P.(C) 420/2016 & C.M.Nos.1707-1708/2016

DCM BUILDING OFFICE FLAT OWNERS WELFARE
ASSOCIATION

..... Petitioner

Through Mr.Manish Vashisht with Mr.Dhruv
Rohatgi and Mr.Abhijit Mittal,
Advocates.

versus

REGISTRAR OF SOCIETIES NEW DELHI DISTRICT AND ANR

..... Respondents

Through Mr.Anuj Aggarwal, ASC for R-1.

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Date of Decision: 18th January, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present writ petition has been filed seeking quashing of order dated 20th November, 2015 passed by respondent No. 1 whereby the petitioner-society was directed to change its name within seven days as there already exists another society with a similar name, carrying out similar services.

2. Learned counsel for the petitioner states that the petitioner-society has been duly accepted by the flat owners of the DCM

building as the maintenance agency and the other DCM society is only a group of individuals who refused to pay maintenance charges to the petitioner-society. He also submits that the respondent no.1 has no power to review its own order, inasmuch as, once the petitioner-society had already been registered on 17th April, 2014, the respondent no.1 could not have passed an order directing the petitioner-society to change its name.

3. Though, this Court is prima facie in agreement with the argument of learned counsel for the petitioner that the respondent no.1 has no power to review its own order, yet this Court is also of the view that the respondent no.1 could not have registered the petitioner-society on 17th April, 2014, especially when a suit had been filed by the respondent no.2 prior in time i.e in January, 2014.

4. Since, this Court is informed that the present petitioner has also impleaded itself in the suit filed by the respondent no.2, this Court directs the Civil Judge Court, Patiala House hearing CS No.20/2014 to dispose of the same within a period of six months. In the meantime, the Trial Court is directed to appoint a receiver/administrator of the petitioner-society, so that the amount deposited by the flat buyers is utilized for their maintenance as well as welfare. As, a receiver/administrator has already been directed to be appointed by the Trial Court of the petitioner-society, the direction given by the Registrar in the impugned order dated 20th November, 2015 shall not be given effect till the disposal of the suit.

5. The petitioner-society is directed to forward a copy of this order to the Trial Court within a period of one week.

6. It is clarified that the observations made by this Court are prima facie in nature and the trial court shall decide the suit on its own merits without being influenced by any observation made by this Court.

7. With the aforesaid directions, the present writ petition and the applications are disposed of.

Order dasti.

MANMOHAN, J

JANUARY 18, 2016
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