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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2951/2001, C.M. NO.30773/2015**

PRAKASH CHAND JAIN Petitioner
Through: Sh. Avneesh Garg and Sh. Mukta
Sharma, Advocates.

versus

SARASWATI COOP. G.H. SOCY. LTD. & ANR..... Respondents
Through: Sh. Pankaj Sinha, Advocate, for
Respondent No.2.
Sh. Subas Acharya, Advocate, for intervener.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **23.02.2016**

C.M. No.30773/2015

In view of the fact that the respondents have been served, interest of justice requires that the legal representative of the substituted petitioner should be taken on the record. C.M. No.30773/2015 is allowed subject to just exceptions. The amended Memo of Parties is taken on the record.

W.P.(C) 2951/2001

After some hearing and in view of the fact that the original petitioner had not sought recourse to the remedy of arbitration – which is prescribed in such cases, and given that the question at issue is whether there was a genuine resignation letter by the late Sh.

Prakash Chand Jain in 1999, learned counsel submitted that liberty may be granted to move the Registrar Cooperative Societies (RCS) under Sections 70/71 of the Delhi Cooperative Societies Act, 2003.

Learned counsel also submitted that the Court may make an appropriate order to ensure that the dispute is resolved by arbitration without reference to the RCS. He also submitted that the interim order which has been in force since 29.05.2001 should be continued till disposal of the matter before the Arbitrator/RCS.

In view of the statement made, the petitioner is at liberty to seek remedy of arbitration or the decision of RCS provided he approaches the said authorities within two weeks from today. In such event, the RCS shall exclude the time spent by the petitioner in prosecuting the writ proceedings, i.e. from the date of filing writ petition till today. The interim order made on 29.05.2015 shall continue to be in force for the said period of two weeks. The writ petition is disposed of as withdrawn but in the above terms.

Order dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 23, 2016
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