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

+ W.P.(C) 5810/2013 & C.M.Nos.12810/2013, 13465/2013 &
14036/2013

PARVEEN ARORA AND ORS. Petitioners

Through: Mr.Manish Kaushik, Advocate

versus

REGISTRAR OF SOCIETY & ANR. Respondents

Through: Mr.Sandeep Kumar, Adv. for Shivaji
CGHS

Mr.Naushad Ahmed Khan, ASC,
GNCTD (Civil) for R-2.

Mr.Subhiksh Vasudev, Adv. for
intervener.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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27.01.2016

1. In this petition the relief claimed is a direction qua the quashing of the membership in the list approved by the Registrar of Cooperative Societies on 27.08.2013. It is submitted that the petitioners' names as members of the societies were wrongly overlooked.
2. The case has a chequered history. 22 members of the respondent society i.e. Shivaji Group Housing Society were expelled by it on account of alleged defaults. The expulsion order was approved by the Registrar. They had approached this court by filing W.P.(C) 2338-53/2005. This Court allowed those writ petitions on 03.11.2008 by an elaborate judgment. In the

interregnum – during the period when the expulsion was in force, the society had apparently enrolled 22 other individuals as its members. The rights of those individuals too were dealt with by the judgment which held that their induction was irregular. However, having regard to the circumstance that flats had been built and that during the intervening period further development had occurred i.e. increased FAR, the Court directed that since 18 more flats could be built according to the new FAR – the membership strength should appropriately be increased. This was to facilitate and accommodate those who had been inducted as members in the meanwhile during the pendency of the writ proceedings. In the review petitions filed the Court vide order dated 28.07.2010 in its judgment modified the directions to the extent inter alia that instead of 138 the Registrar of Cooperative societies was to consider and pass order to enhance membership to 148.

3. The petitioners who were inducted having been introduced during the interregnum period when the expulsion of the original members was in force, are aggrieved by the exclusion of their names from the list of the members. They submit that despite the order of the court, the Registrar of the Cooperative Societies has not carried out the due verification which was repeatedly emphasised in the orders dated 02.09.2015 and 05.11.2015.

4. The Registrar of Cooperative Societies has relied upon an affidavit – which has been produced in Court today – a copy of which has been furnished to the counsel for the parties, which annexes the list. The first list comprises of 97 individuals who can be confirmed as members, and other list (annexure B) comprises of 22 names who belong to the category of individuals inducted when the expulsion order of the original 22 members

was in force.

5. In view of the fact that the society has now been placed under administrator, this court is of the opinion that the Registrar should in the first instance proceed and pass the order necessary to confirm the list which was corrected by the court in the previous orders. Since the process of verification appears to have been completed as is evident from the affidavit, the formal order shall be passed within two weeks from today. Based upon the said list the Registrar shall ensure that the elections are completed. We are informed that the Registrar has already appointed a Returning Officer. The said Returning Officer shall conduct the elections and complete the process within four weeks after passing of the order by the Registrar in accordance with law having regard to the previous judgment and orders in this case confirming the members list.

6. The writ petition alongwith pending applications is disposed of in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 27, 2016

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