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

+ W.P.(C) 6397/2015 & C.M.No.11657/2015

RAVI KAPOOR

..... Petitioner

Through: Mr.Abhishek Gupta, Advocate
versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.

..... Respondents

Through: Mr.Naushad Ahmed Khan, ASC
(Civil), GNCTD with Ms.Astha
Nigam, Advocate for RCS/R-1
Mr.Sandeep Kr., Adv. for R-2 Society

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **02.03.2016**

1. The petitioner prays for an order directing the first respondent, Registrar, to forward his name to the Delhi Development Authority for the allotment of a flat in the respondent society.
2. The brief facts are that on 05.01.2010 two joint members Mr.Rajeev Dhawan and Ms. Poonam Dhawan resigned from the membership of the society; resignation was accepted by the Managing Committee of the Society on 10.01.2010. It is stated that intimation of the resignation along with photocopy of the relevant documents was dispatched to be forwarded to the Registrar on 18.01.2010. The Registrar, however, disputes this and contends that the letter was received for the first time on 06.02.2010.

3. The concerned society of which the petitioner claims to be a member reiterated to the Registrar on 11.02.2010 about the resignation and also forwarded the draft copy of the advertisement to be published under Rule 19 (2). Subsequently, the advertisement was published on 16.02.2010. The petitioner complains that despite approval of his membership and acceptance of the amounts demanded by the society, the Registrar has (by a sheer action) not approved the membership. The counsel for the Registrar points out that the procedure stipulated in Rule 19 (2) was not followed in that the second resignation was not advertised to enable the former member to settle claims and that the procedure adopted was therefore irregular.

4. In the present case the petitioner has relied upon certain documents evidencing payments made to the erstwhile members i.e. Rajeev Dhawan and Poonam Dhawan. In case the Registrar entertained any doubts as to the genuineness of the resignation or that amounts were outstanding he could have easily verified before granting permission or approval to the entry of the new member. That the society published the advertisement on 16.02.2010 is not in dispute since the copy thereof is on the record.

5. In view of the above discussion, the Registrar is hereby directed to verify whether the amounts were duly paid to the erstwhile members and if necessary, record the statements of such members (Rajeev Dhawan and Poonam Dhawan). The process shall be completed within two months from today depending on such statements. The final orders of approval under Rule 19 (2) shall be issued.

6. The writ petition along with pending application is allowed in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MARCH 02, 2016

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