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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) 10214/2015, CM APPL.25301/2015

VIJAY KUMAR BAKSHI

..... Petitioner

Through: Mr. R.R. Jangu, Advocate.

versus

ORDINANCE COOPERATIVE G/H SOCIETIES LTD. Respondent

Through: Mr. J.N. Gupta, Advocate for Resp-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

20.01.2016

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The petitioner claims to be aggrieved by an order dated 9.3.2015 passed by the Assistant Collector who declined to exercise jurisdiction under Section 115 of the Delhi Cooperative Societies Act, 2003 holding that he did not possess it.

The petitioner is a member of the respondent society which had made certain money claims against him. He contends that there is an apparent mistake in the determination by the Arbitrator and submits that two Awards were made, one on 17.07.1997 and the second on 04.10.1997. These appear to have been pending on the petitioner for the last twenty years or so. In the interregnum he had approached this Court by filing W.P.(C)2309/1998 raising the same conditions; that writ petition was dismissed on 07.02.2003. The petitioner sought to have the proceedings revived and urged much the same contentions in CM APPL.9823-25/2006 which were rejected again on 15.11.2006. Not content with this adverse

order, the petitioner restructured the very same arguments in the course of execution proceedings. The authority, i.e., the Assistant Collector considered these and rejected them by an order dated 27.11.2014. That order has taken note of the recovery certificate dated 20.02.1998 based upon the Award and also noted as follows: -

“3. The recovery remained pending since long and hearing was made by my predecessors on 17-06-2013, 25-07-2013, 29-08-2013, 29-10-2013, 24-01-2014 and on 23-06-2014. I have heard the case on 03-07-2014, 22-07-2014 and on 19-9-2014. On that day, an opportunity was given to both parties to sort out the matter amicably and to come for hearing on 07-10-2014, but it did not happen.”

The total amount determined as outstanding and payable up to March, 2014 was ₹9,29,809.76 by the order dated 27.11.2014. Learned counsel reagitated the issue of two Awards yet again.

We have considered the pleadings which are based on the same grievance which have been gone into multiple times. The Award of 04.10.1997 having attained finality we find no infirmity with the impugned order. During the course of these proceedings, petitioner has deposited ₹5 lacs with the Society which was the condition precedent for issuance of notice. It goes without saying that the said amount shall be adjusted and appropriated by the society while calculating the balance outstanding.

The writ petition stands dismissed in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 20, 2016
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