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

+ **W.P.(C) 487/2017 & C.M. No. 24789/2017**

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..... Petitioner

Through: Mr. Rakesh Munjal, Senior Advocate
with Mr. Atul Bandhu, Advocate.

versus

REGISTRAR COOPERATIVE SOCIETIES AND ANR.

..... Respondents

Through: Mr. Pankaj Sinha, Advocate and
Ms. Jubli Momalia, Advocate for R-1/RCS.
Mr. Subhash, President of R-2/Society.
Ms. Purti Marwaha, Advocate for the applicant in
C.M. APPL. No. 24789/2017.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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23.08.2017

1. The petitioner who claims to be a member of the respondent No.2/Society, has filed the present petition for issuance of directions to the respondent No.1/Registrar Co-operative Societies, to dispose of his representation dated 08.12.2016. Further, a writ of mandamus has been prayed for, directing the respondents to complete the process of allotment of Flat No.122, Category of 'B', in the respondent No.2/Society, in his favour.
2. On 7.7.2017, last opportunity of two weeks was granted to the respondent No.1/RCS to file an affidavit, failing which, the Assistant Registrar, Co-operative Societies was directed to remain present with the

relevant records. The said affidavit has not been filed. Learned counsel for the respondent No.1/RCS states he had filed the counter affidavit on 17.7.2017, but it was returned under objections and refiled on 27.7.2017.

3. Learned counsels for the petitioner and the respondent No.2/Society confirm having received a copy of the said affidavit.

4. A perusal of the records reveals that after the petitioner filed a representation with the respondent No.1/RCS on 08.12.2016, raising a dispute with the respondent No.2/Society, regarding his membership an Arbitrator was appointed under Section 70 of the Delhi Cooperative Societies Act, 2003, who passed an Award on 6.6.2017, allowing his claim and declaring him to be a *bonafide* member of the respondent No.2/Society.

5. Mr. Subhash, President of the respondent No.2/Society states that aggrieved by the Award dated 6.6.2017, the Society has filed an appeal before the Delhi Co-operative Tribunal on which service has yet to be effected on the petitioner herein. The next date of hearing fixed before the Tribunal is 03.10.2017.

6. A copy of the appeal paper book shall be furnished to the petitioner within one week. The petitioner shall file a reply thereto within four weeks with a copy to the other side and he shall appear before the Tribunal on the date fixed. In view of the fact that the award of the learned Arbitrator made in favour of the petitioner is under challenge, we are not inclined to grant any relief to him at this stage.

7. The present petition is disposed of as pre-mature. As for the applicant in C.M. No. 24789/2017, who seeks intervention in the present appeal, under Order I Rule 10 CPC, claiming *inter alia* that he is the successor-in-

interest of the original member of the Society and so entitled to allotment of the subject flat, it is for the applicant to seek legal recourse as may be available to him. The application is also disposed of.

HIMA KOHLI, J

DEEPA SHARMA, J

AUGUST 23, 2017

ap/sk