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

+ W.P.(C) 483/2017 & CM No.2215/2017

VIJAY SACHDEVA

..... Petitioner

Through: Mr. Ashok Mathur & Ms. Nidhi
Aggarwal, Advocates

versus

THE REGISTRAR CO OPERATIVE SOCIETIES AND ORS

..... Respondents

Through: Mr. S.K. Kaushik, Advocate for
respondent No.3

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **27.01.2017**

Reliance placed by the petitioner on the decision in the case of **Meenu**

Tomar v. Registrar Cooperative Societies & Ors., (2016) 230DLT 479 (DB)

is entirely misplaced. In the said case, the issue which had arisen was whether non-defaulting members can be compelled and forced to pay the dues of the cooperative societies, in view of the Individualisation Scheme formulated by the Delhi Cooperative Housing Finance Corporation. In the present case, the contention of respondent No. 4- Cooperative Society is that the petitioner herein is a defaulter and thus the recoveries are not being made

from the petitioner by applying the Individualisation Scheme. This judgment, therefore, does not assist or aid the petitioner.

Vijay Sachdeva, the petitioner herein, has placed reliance on the Award dated 30.08.2011 passed in arbitration proceedings invoked by respondent No. 4-Cooperative Society against R.S.Sanswal, the predecessor-in-interest of the petitioner herein and the original allottee of the flat in question. The effect of the said Award and the consequences thereof would be issues to be raised by the petitioner before the Recovery Officer or in appropriate proceedings instituted under the Delhi Cooperative Societies Act, 2003 and Delhi Cooperative Societies Rules, 2007.

The petitioner has also raised the contention that on 15.09.1996, the Cooperative Society had issued a No Dues Certificate in favour of R.S. Sanswal. Again, this is an aspect which would have to be examined and gone into before the Recovery Officer or in appropriate proceedings.

We are not inclined to exercise extraordinary writ jurisdiction to examine factual disputes and/or quash any proceedings when the issues and questions, as raised, are pending consideration and no order has been passed. The Delhi Cooperative Societies Act and Rules, enacted and framed, are for examining and adjudicating disputes and differences between the members

and the Cooperative Society, etc. The writ court should not be made the court of first instance.

The writ petition, being premature, is accordingly dismissed, without expressing any opinion on the merits. CM No.2215/2017 is also dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JANUARY 27, 2017

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