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

+ W.P.(C) 8144/2016

BANSI DHAR AGARWAL Petitioner

Through: Mr. Varun Kumar, Advocate.

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.

.... Respondents

Through: Mr. Rishi Kumar and Ms. Neha Rastogi,
Advocates for respondent No. 1.

Mr. Vivek Kumar Tandon, Advocate for
respondent No. 2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

01.05.2017

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1. The present petition has been filed by the petitioner praying *inter alia* for issuing a writ of mandamus directing the respondent No.1/Registrar Cooperative Societies (RCS) to consider and dispose of his representation filed under Section 77 of Delhi Cooperative Societies Act (DCS Act) and for directing the respondent No.2 to allot him a Category 'A' flat in Saraswati Cooperative Group Housing Society Ltd.
2. Learned counsel for the petitioner states that the petitioner became a member of the respondent No.2/Society on 30.01.1991. The petition refers to the fact that the petitioner had deposited a sum of Rs.9,00,000/- with the Respondent No.2/Society between year 1991 and 2000. Though there is not a whisper in the petition as to the background in which his

membership was initially cancelled, he has averred that his membership was restored in the Arbitration proceedings.

3. It is the version of the Respondent No.2/Society that the petitioner had tendered his resignation from the Society in the year 1998, which is disputed by the counsel for the petitioner. However, he is not in position to explain the circumstances in which the membership of the petitioner was terminated and then restored. The next relevant date mentioned in the petition is 28.01.2016, when the petitioner claims to have filed a RTI application before the respondent No.1/RCS for obtaining information with regard to the details of the Administrator appointed in respect of the respondent No.2/Society.

4. It is not disputed by learned counsel for the petitioner that the proceedings filed by the petitioner before the RCS under Section 77 of DCS Act are pending adjudication. Without awaiting closure of the said proceedings, he has approached this Court for seeking direction to the respondent no.1/RCS for disposing of a representation made by him.

5. On 08.12.2016, learned counsel for the respondent No.1/RCS had stated that the submissions made by the petitioner in the present petition would be considered and appropriate order issued.

6. Learned counsel for the respondent No.1 states that he has also filed a status report on 09.02.2017, in compliance of the order dated 08.12.2016 wherein it has been submitted that despite repeated opportunities given to the petitioner to produce the original records pertaining to his membership and the payments allegedly deposited by him with the respondent No.2/Society, from time to time, no document whatsoever has been furnished by him to substantiate the same.

7. At this, learned counsel for the petitioner hands over a letter dated 11.04.2017, addressed by the respondent No.1/RCS to the respondent No.2/Society calling upon it to furnish certain documents as detailed therein so that the petitioner's representation can be considered and decided.

8. Learned counsel for the respondent No.2/Society states that an Administrator was appointed in respect of the respondent No.2/Society, somewhere in the year 2006 and he has handed over the charge to the newly elected Managing Committee of the Society only on 19.02.2017. The documents required to be furnished by the Society are being traced for being placed before the respondent No.1/RCS. He states that such of the documents that are traceable, shall be forwarded within two weeks.

9. In view of the submissions made by learned counsel for the respondent No.2/Society as recorded above, the present petition is disposed of with a direction to the respondent no.1/RCS to examine the documents furnished by the Society and take a decision on the pending application of the petitioner within 8 weeks from the date of receipt of the documents, under written intimation to him.

10. The petition is disposed of.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 01, 2017

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