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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3578/2017**

**THE VISHWA COOPERATIVE GROUP HOUSING
SOCIETY LTD.**

..... Petitioner

Through: Mr. Saurabh Sharma and Mr. Sandeep
Sharma, Advocates.

versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Devesh Singh, ASC for GNCTD.
Mr. Gulshan Ahuja, Assistant Registrar
(SCC-08) O/o Registrar Co-op. Societies,
GNCTD.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

22.05.2017

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1. Pursuant to the order dated 25.04.2017, learned counsel for the GNCTD enters appearance and states that he does not propose to file a counter affidavit and is ready with arguments. He draws our attention to the order dated 18.08.2015, passed by the learned Financial Commissioner, Delhi whereunder the appeal filed by the petitioner/Society came to be dismissed for non-prosecution with an observation that out of 10 dates when the said appeal was listed, the Society was represented only twice and counsel for the Society had not appeared after 15.10.2013. He states that looking at the conduct of the petitioner/Society, there is no reason to interfere in the impugned order.

2. We may note that the present petition does not assail the order dated 18.08.2015, but lays a challenge to the order dated 07.02.2017 passed by the learned Financial Commissioner dismissing the review application filed by the petitioner/Society in respect of the order dated 18.08.2015. The observation made in the impugned order is to the effect that the proxy counsel who had appeared for the Society, could not present the case.

3. We are of the opinion that interest of justice demands that the petitioner/Society be heard on merits on the review application before any order is passed. Accordingly, the impugned order dated 07.02.2017 is quashed and set aside and the parties are directed to appear before the learned Financial Commissioner on 06.07.2017, for him to fix a convenient date for hearing arguments in the review petition. If the respondents propose to file a reply to the review application, they may do so within three weeks from today with an advance copy to the petitioner. Rejoinder, if any, may be filed one week before the date of hearing. It is made clear that if the petitioner/Society is not represented before the learned Financial Commissioner on the date fixed, then the order dated 07.02.2017 shall stand automatically revived.

4. The writ petition is disposed of.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 22, 2017 /gr