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

+ **W.P.(C) 7621/2016**

SANGEETA SINGH & ANR Petitioners
Through : Petitioner No.1 in person.

versus

THE REGISTRAR OF COOPERATIVE SOCIETIES & ORS

..... Respondents

Through : Mr. N.K. Bhatnagar with
Mr. Akhil Gupta, Advocates for R-2 and 5.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **05.05.2017**

CM No.17309/2017 (by the petitioner No. 1 u/Sec 151 CPC)

1. The present application has been filed by petitioner No.1 praying inter alia for clarification of the order dated 11.4.2017 whereunder, the writ petition was disposed of in view of the proceedings pending before the Financial Commissioner.

2. The petitioner No.1, who appears in person, states that it was erroneously recorded in the para 2 of the order dated 11.4.2017 that the respondent No.2/Society has filed an appeal against the Award dated 9.5.2011, passed by the Sole Arbitrator whereas, the appeal of the Society pending before the Financial Commissioner is against the order dated 30.3.2016, passed by the Assistant Collector (Gr.-1) (page 115 (a) to (c)).

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3. Learned counsel for the respondents No.2 and 5 agrees that the said correction is required. Accordingly, para-2 of the order dated 11.4.2017 shall read as below:-

“We are informed that the respondent No.2 has filed an appeal against the order dated 30.3.2016, passed by the learned Assistant Collector, Grade I, office of the respondent No.1, which is pending before the Financial Commissioner and is listed on 25.5.2017, for the PWD to submit a report with regard to the status of the subject flat.”

4. The petitioner No.1 further states that proceeding are not only pending before the Financial Commissioner, but are pending before the Registrar of Co-operative Societies (in short ‘**the RCS**’) as well.

5. Learned counsel for the respondent No.2 and 5 clarifies that the proceedings that are pending before the RCS, have not been initiated by the petitioners, but have been initiated *suo moto* by the RCS.

6. There is no correction required in para 4 of the order dated 11.04.2017, except for clarifying that the proceedings before the Financial Commissioner are not pending for the past five years, as recorded in the second sentence, but only for ten months.

7. At this stage, petitioner No.1 states that the RCS had issued a notice to show cause dated 14.9.2016 under Section 37 (1) of Co-operative Societies Act, 2003 to the respondent No.2/Society and though, the Society has replied thereto, a decision in the said proceedings is being delayed. She draws our attention to the notice dated 14.09.2016 annexed as Annexure-A

to the paper book, which reveals that a copy has been marked to the President of the respondent No.2/Society and Mr. Ranvir Singh, petitioner No.2. She states that petitioner No.2 is her brother and she has been given a power of attorney on his behalf to pursue the said proceedings, but for one reason or the other, the Registrar of Co-operative Societies is delaying a decision.

8. As we are informed that the next date of hearing before the RCS is 30.6.2017, he is directed to ensure that arguments are addressed on the said date and orders passed within four weeks reckoned therefrom, under intimation to the concerned parties.

9. The Registry is directed to forward a copy of present order to the RCS, for perusal and compliance.

10. The application is disposed of.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 05, 2017

ap/rkb