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

+ W.P.(C) 3973/2017 and CM APPL. 17455/2017

SANTOKH SINGH

..... Petitioner

Through: Mr. Sandeep Kumar, Advocate

versus

REGISTRAR OF COOPERATIVE SOCIETIES Respondent

Through: Mr. Manzar Anis, Advocate for

Mr. Naushad Ahmed Khan, ASC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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15.05.2017

1. The present petition has been filed by the petitioner, who claims to be the Secretary of the Safdurjung Cooperative Group Housing Society Ltd., praying *inter alia* for quashing an order dated 20.03.2017 passed by the respondent/RCS, whereunder an Administrator has been appointed under Section 35(5) of the Delhi Cooperative Societies Act, 2003, to manage the affairs of the Society and conduct the election of the Managing Committee of the Society.

2. On the last date of hearing, counsel for the respondent, who had appeared on advance notice, had sought time to obtain instructions with regard to the background in which the order dated 20.03.2017 came to be passed.

3. Today, learned counsel for the respondent/RCS hands over a copy of the judgment dated 17.04.2017 passed by the Supreme Court in connected appeals, including **Civil Appeal No.6803-6804/2013** entitled DDA vs.

Sardarjung Co-operative Group Housing Society Ltd. and Ors., wherein it has been held that the revival of Safdarjung Co-operative Group Housing Society and two other Societies, namely, Bankmens Co-operative Group Housing Society Ltd. and Palwell Co-operative Group Housing Society Ltd. is illegal and the memberships are not genuine. As a result, the appeals filed by the DDA in all the three cases were allowed and DDA was directed to refund the money deposited, to the respective Societies alongwith interest, with further directions that the Societies shall ensure that the amounts deposited by the members are refunded to them within four weeks thereafter.

4. We have enquired from learned counsel for the petitioner as to whether he has referred to the aforesaid judgment dated 17.4.2017 in the present petition that came to be filed on 03.05.2017. Learned counsel for the petitioner argues that he need not mention the aforesaid judgment as the relief prayed for in the present petition is confined to the order dated 20.03.2017, passed by the respondent/RCS.

5. Having regard to the fact that the Supreme Court has declared that the Society in question is itself illegal and the monies deposited by it with the DDA for allotment of a plot, ought to be returned for being refunded in turn to its members, the order dated 20.03.2017 passed by the respondent/RCS looses significance.

6. We are of the opinion that costs ought to be imposed on the petitioner for deliberately withholding material information from the Court, particularly, since it is not denied by learned counsel that his client is aware of the order dated 17.04.2017 passed by the Supreme Court in the captioned appeal. Accordingly, the present petition is dismissed alongwith the

pending application with costs of Rs.10,000/- imposed on the petitioner, to be deposited with the Delhi High Court Legal Services Committee within two weeks. It is made clear that till the petitioner deposits the said costs and furnishes the receipt, the petition filed by him before the Financial Commissioner shall not be proceeded with any further.

A copy of this order shall be forwarded forthwith to the Financial Commissioner for perusal and compliance.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 15, 2017

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