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

+ W.P.(C) 6807/2017 and CM APPL. 28358-59/2017

SHAHANK JAIN

..... Petitioner

Through: Mr. Anil Kumar, Advocate

versus

THE REGISTRAR COOPERATIVE SOCIETIES AND ORS

..... Respondents

Through: Mr. Anupam Pandey, Advocate for
Ms. Prabhsahay Kaur, Advocate for R-1.

Mr. Manish Jain, Advocate with Ms. Pratisha
Chaturvedi and Mr. Amit Jain, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **08.08.2017**

1. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondent No.1/RCS to dispose of his complaints dated 03.10.2016, 25.10.2016, 16.01.2017 and 17.01.2017 as also a petition filed by him under Section 41 of the DCS Act, 2003 (Annexure V), praying inter alia for restraining Shri Vinod Jain from holding the office of a Director on the Board of Directors of the respondent No.2/Bank.

2. Counsel for the respondent No.2/Bank states that the petitioner has withheld material information from the Court inasmuch as he has failed to state that as recently as on 29.06.2017, a revision petition filed by him under

Section 116 of the DCS Act against an order dated 07.03.2017 passed by the Assistant Registrar (BKG), was disposed of by the Financial Commissioner, who had modified the order dated 07.03.2017 passed by the Assistant Registrar and further, directed the respondent No.1/RCS to take a decision on the complaints made by the petitioner with regard to the alleged irregularities in the respondent No.2/Bank. The complaints made by the petitioner have been detailed in para 2 of the order dated 29.06.2017 passed by the Financial Commissioner and a reference has been made therein to the representations/complaints dated 03.10.2016, 25.10.2016, 16.01.2017 and 17.01.2017, that find mention in the present petition as well. A copy of the order dated 29.06.2017 passed by the learned Financial Commissioner is taken on record.

3. Learned counsel for the petitioner claimed that the scope of the revision petition filed by the petitioner before the Financial Commissioner was very limited. Even if that be the case, the order dated 29.06.2017 passed by the Financial Commissioner directing the RCS to take a decision on all the complaints made by the petitioner with regard to the irregularities allegedly committed by the respondent No.2/Bank, is fairly broad based. In such circumstances, learned counsel for the petitioner has been called upon to explain as to why is he pursuing the petition filed under Section 41 of the RCS Act, for seeking disqualification of the respondent No.1 therein.

4. Counsel for the petitioner assured us that the petitioner will not press the pending petition filed before the RCS under Section 41 of the DCS Act, 2003 and instead, he shall approach the respondent No.1/RCS for a decision on the complaints filed by him with regard to the alleged irregularities committed by the respondent No.2/Bank, in terms of the order passed by the

Financial Commissioner.

5. In view of the aforesaid submission, the present petition is disposed of. However, the petitioner is cautioned to be more careful in future and ensure that all the orders passed by different authorities relating to the issue raised in the petition are placed on record, for the perusal of the Court, without being selective.

HIMA KOHLI, J

DEEPA SHARMA, J

AUGUST 08, 2017

bh/mk