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

+ WRIT PETITION(CIVIL) No. 7057/2018

Date of decision: 10th July, 2018.

PARVEEN ARORA & ANR Petitioners
Through: Mr. Manish Kaushik and
Mr. Mishal Johri, Advocates.
versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.
.....Respondents
Through: Ms. Sukriti Ghai, Advocate
for Mr. Devesh Singh, ASC (Civil)
GNCTD for R-1.
Mr. Mridul ain and Mr. Piyush Jain,
Advocates for R-2 and 3.
Mr. Akshay Bhardwaj, Advocate for
R-2, Administrator.

WRIT PETITION(CIVIL) No. 6355/2018

BISHAN SWAROOP VATS Petitioner
Through: Mr. Sanjiv Sagar, Mr.
Khowaja Siddiqui and Mr. Arup
Sinha, Advocates.
versus

REGISTRAR COOPERATIVE SOCIETIES & ORS...
..... Respondents
Through:Mr. Madhu Sudan Bhoyana,
Advocate for R-1.
Mr. Mridul Jain and Mr. Piyush Jain,
Advocates for R-2 and 3.
Ms. Savita Prabhakar and Mr. Amit,
Advocates for Mr. Jagjit Singh and Mr.
Purshottam Singh, Impleaders.

WRIT PETITION(CIVIL) No. 6053/2018

SEEMA SHARMA AND ORS. Petitioners
Through: Mr. Manish Kaushik and
Mr. Mishal Johri, Advocates.
versus

REGISTRAR COOPERATIVE SOCIETY AND ORS.
... Respondents
Through: Mr. Mridul Jain and Mr.
Piyush Jain, Advocates for R-2 and 3.
Mr. Madhu Sudan Bhoyana, Advocate
for R-1.
Mr. Fanish K. Jain and Deepanshu
Garg, Advocate for Interveners.
Mr. Aditya Kr. Sinha and Mr. Ranjeet
Kumar, Advocates for Pawan Arora.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

SANJIV KHANNA, J. (ORAL):

These writ petitions are a deliberate conceited attempt by the petitioners to start another round of litigation immediately after and on dismissal of their Special Leave to Appeal (C) Nos. 12168-12170/2011, *Seema Sharma and Others versus Registrar Cooperative Societies and Others* by the Supreme Court on 3rd May, 2018.

2. Within three weeks thereafter, on 28th May, 2018 Writ Petition (C) No. 6053/2018 was filed by Seema Sharma and twelve others, predicated their claim on pretence of new facts

and cause of action. A Division Bench of this Court vide order dated 30th May, 2018 has issued notice.

3. Thereafter, on 30th May, 2018, Writ Petition (C) No. 6355/2018 was filed by Bishan Swaroop Vat. By order dated 1st June, 2018, this writ petition was directed to be listed with the writ petition filed by Seema Sharma and others. Writ Petition (C) No. 7057/2018 by Parveen Arora and Gouri Shankar was filed on 7th July, 2018. This writ petition has been listed today for the first time before this Court.

4. Shivaji Cooperative Group Housing Society ('Society'), formed and incorporated in 1971, on 25th July, 1991 were allotted two acres of land at Rohini for construction of flats for members. Society had enrolled 120 members, who had paid for the cost of land and construction of flats. On 27th September, 1998, the society decided to expel twenty two (22) members on account of default in making timely payments towards cost of construction. List of these members for approval was sent to the Registrar of Cooperative Societies (Registrar, for short) on 3rd October, 1998. Registrar vide order dated 3rd December, 1999 approved expulsion of 8 members. Case of one expelled member, namely, A.N. Mohan, it was noted, was to be dealt with in separate proceedings. Eight expelled members (and two other members) had thereupon preferred a revision petition, which was allowed by the Financial Commissioner vide order dated 20th April, 2000. Their expulsion was set aside, subject to payment being made. This compliance it is accepted was made. Thus, the twenty two expelled members would continue to

remain members of the society, their seniority and entitlement being maintained.

5. During pendency of the proceedings before the Registrar, on 28th March, 1999, the Society perilously, if not dubiously, passed a resolution for enrolment of new members. Petitioners before us are the new members, who were enrolled on 11th April, 1999. These new members paid equalization amount and were granted share certificates.

6. On 16th May, 1999, the governing body of the society passed another resolution approving membership of the newly enrolled persons and took a decision that those members who had not paid the dues on time would not be eligible on priority.

7. Consequently there was litigation. To avoid prolixity we would refer to judgment dated 3rd November, 2008 in Writ Petition (C) Nos. 2338-53/2005, ***Neelam versus Financial Commissioner and Others*** and other connected writ petitions. The judgement is a detailed one and records various reasons and grounds why the twenty two newly enrolled members could not have been enrolled and affirms rights of the twenty two initial members. For the purpose of present litigation, we may briefly record the reasoning and grounds recorded in this decision.

i) Expulsion of twenty two members was not approved by the Registrar/Financial Commissioner. The said decision had attained finality. Hence, twenty two expelled members were entitled under law to allotment of flats.

ii) Society had acted illegally in enrolling new members in March/April, 1999 when the issue of expulsion of the earlier members was pending consideration before the Registrar/Financial Commissioner.

iii) Registrar vide order dated 9th October, 2000, had refused to approve membership of the 22 newly enrolled members.

iv) Society had illegally conducted draw of lots of the constructed flats on 31st December, 2000. Names of twenty two newly enrolled members, in whose case membership had not been approved by the Registrar, were included. Names of twenty two initial members, notwithstanding that their expulsion had already been set aside vide orders of the Registrar and Financial Commissioner dated 3rd December, 1999 and 20th April, 2000, were excluded.

v) Newly enrolled members were also illegally permitted to occupy the flats, which were occupied by some of them.

vi) The erstwhile expelled members, whose membership was restored, had thereupon filed Writ Petition (C) No. 361/2001, which was disposed of vide common judgment dated 7th January, 2002 observing that the draw of lots held on 31st December, 2000 was contrary to law and in

violation of the directive dated 31st May, 1984 of the Delhi Development Authority as it was not held by the Delhi Development Authority and without approval of the list of members of the Registrar. Draw of lots was quashed with the direction that fresh draw of lots would be held in accordance with the directive dated 31st May, 1984. As an Administrator had been appointed, he was directed to take consequential action by taking possession of the flats, which had been handed over.

vii) After pronouncement of the aforesaid judgment, twenty two newly enrolled “members” approached the Delhi High Court and had filed Writ Petition (C) No. 3409/2002 challenging their non-approval by the Registrar. This writ petition was disposed of vide order dated 28th May, 2002 directing the Registrar to take a decision and pass a speaking order. Pursuant to the said directions, the Registrar heard the petitioners/parties and passed the order dated 30th July, 2002 again reiterating that enrolment of twenty two new “members” was illegal as there was no vacancy on 11th April, 1999. Further expulsion of the earlier members was not approved and the strength of the society had not been increased. Financial Commissioner vide order dated 31st January, 2003 dismissed the revision petition filed by the twenty two newly enrolled “members”. Review application was also dismissed by the Financial Commissioner on 9th December, 2004.

viii) In the aforesaid factual background, the Society could not have enrolled any members as expulsion of the twenty two members had been set aside and thus had not created any vacancy.

ix) On the issue of increase in Floor Area Ratio (FAR) and the contention that additional flats could be constructed, it was observed that Delhi Development Authority had issued letter dated 3rd December, 1999 increasing the strength from 120 to 138. Twenty two persons had been enrolled as “members” on 11th April, 1999, i.e. before the letter dated 3rd December, 1999. Enrolment was illegal. Hence, the order of the Financial Commissioner could not be faulted on this ground and the petitioners could not take shelter behind or under the increase in FAR.

8. Having held against the petitioners, the Division Bench tried to balance equities in view of the benefit of increased FAR. As there was no definitive response from the Delhi Development Authority (DDA) and the Municipal Corporation of Delhi (MCD), on the said aspect, the following operative directives were issued:-

“28. As no definite response has come forward from the MCD or the DDA, we proceed on the premise that there is an increase in the FAR pursuant to which the Society is permitted to construct additional flats. It would, therefore, be open to the Society to prepare and submit

appropriate plans for additional construction to the MCD and/or DDA and those authorities shall sanction those plans, subject to fulfillment of other requisite formalities, thereby enabling the Society to carry out the construction and accommodate the petitioners.

29. In these circumstances, all these writ petitions are disposed of with the following directions:-

(a) The petitioners in WP(C) No.2338-53/2005 and others namely, 22 persons who were purportedly inducted on 11.4.1999, shall handover the possession of the flats to the Administrator within four months from today.

(b) These flats shall be allotted to those 22 members who were expelled, subject to the condition that they have paid entire consideration and no further amount is due from them. For this purpose, draw of lots in respect of these 22 flats for the said 22 members shall be held by the Administrator. Thereafter, possession shall be handed over to these members.

(c) In order to accommodate the petitioners and other similarly situated persons (22 in number), the newly inducted members, we issue the following directions:-

(ci) Due to the increase in the FAR there is an increase in the membership from 120 to 138. Therefore, 18 persons can be accommodated by enrollment thereof as new members out of 22 persons. By draw of lots 18 out of these 22 persons shall be

selected and the said list shall be forwarded by the Society to the Registrar, who shall approve their membership. Remaining four person shall be given refund of the amount paid by them. We are not granting any interest on this amount as during all this period they enjoyed use and occupation of the flats.

(cii) The Administrator shall submit plans for construction of additional flats to MCD/DDA within two weeks from today. These shall be approved within six weeks of their submission, subject to fulfillment of other formalities. Thereafter, the Society shall start construction of the new flats and on completion of those flats, possession thereof shall be handed over to the newly recruited members.

(ciii) These 18 persons who were inducted as members on 11.4.1999 had paid the entire consideration in respect of these flats by the end of year 2000 when the draw of lots was held on 31.12.2000, Therefore, they would only pay the, additional cost incurred on the construction of these flats meaning thereby from the total construction cost of the new flats, the amount already paid by them shall be adjusted and the balance amount shall be shared by these 18 persons in equal proportion or in the alternative.

In case these 18 persons are not agreeable to new constructions at their cost in the manner provided above, it would be open to them to seek refund of the amount paid by them. These persons shall exercise their option in this behalf within two weeks from today to

enable the Administrator to proceed further in the matter accordingly.”

Direction (a) had clearly stipulated that twenty two persons, who had been inducted as “members” on 11th April, 1999, shall hand over possession of the flats to the Administrator within four months from the date of the decision. It was further directed that these flats shall be allotted and handed over to twenty two members, who had been earlier expelled and whose expulsion has been set aside, subject to the condition that they would pay entire consideration and no amount was due. Draw of lots was to be held by the Administrator and possession given. With regard to twenty two newly inducted "members" whose admission/enrolment was held to be illegal, the Administrator was to submit plans for construction of additional flats to the MCD/DDA within two weeks and they were required to approve the plans within six weeks, subject to fulfilment of formalities. Directions were also issued on the question of payment of money by the newly inducted eighteen "members".

9. Some writ petitioners and others had thereafter filed applications or applications for review of the judgment dated 3rd November, 2008, which were disposed of by the Division Bench vide order dated 28th July, 2010. This order specifically records that there was hardly any challenge to the findings given in the judgment dated 3rd November, 2008 holding that removal/expulsion of twenty two members was illegal and enrolment of "23" persons in their place was improper and

illegal. Primary contention raised was against the direction that the newly enrolled “members”, whose enrolment was held to be illegal, should hand over possession of flats on the ground that there could be more equitable formula for accommodating them depending upon the facts of each case. After detailed hearing, consent order dated 28th July, 2010, recording the following terms was passed:-

“9. The counsel for various parties were heard from time to time on this aspect and during the discussions, consensus emerged for allotment of existing flats, construction of new flats and allotment of new flats to those members who would be left out. All these proceedings, viz., review petitions, writ petitions and miscellaneous applications are, thus disposed of with the following consent order. We may note that most of the parties were present in the Court at the time when these discussions took place and they have given their consent to the following terms:

(1) We shall first take up the case of Roshan Lal Jain and Pawan Kumar Arora. In respect of Roshan Lal Jain, it is stated that he was not allotted the flat since he was in default. Roshan Lal Jain had committed default in making the payments. That was the reason he was not initially allotted the flat. His Plea was, however, that he was not sent demand notice for making payment and because of, this reason he could not make the payment for which he was not to be blamed. Against non allotment, he approached the Registrar of Cooperative Societies. Dispute was referred to the Arbitrator who passed the award directing Roshan Lal Jain to make the payment of the outstanding amount alongwith interest. That amount has since

been paid. It is, therefore, agreed that there is no impediment for allotment of flat to him.

(2) In so far as Pawan Kumar Arora is concerned, it is conceded even by the review petitioner that he has already made payment of Rs.7,68,000/-. It is also stated by the review petitioner that his name for allotment was approved by the Registrar way back in 9.7.2003. Therefore, he is also entitled to the allotment of flat as well as immediate possession.

(3) Twenty three members who were inducted after the expulsion of the respondents are occupying the flats. In the judgment dated November 3, 2008, this fact has been taken note of. Due to the increase in the FAR, Membership is increased from 120 to 138 and, therefore, 18 more persons can be accommodated. Directions to the Administrator was given to take step for construction of the flats so that 18 more persons out of these 23 persons are accommodated. As pointed out above, four out of these 23 persons never approached. Further, three persons have approached for the first time in the proceedings in the High Court by way of review petitions only. Therefore, it is agreed sixteen persons who have been agitating their matter would be accommodated first and the three review petitioner would be accommodated only thereafter.

(4) It is thus agreed that 17 respondents would be accommodated in the first instance, thereafter sixteen persons who were the petitioners in writ petition 2338--53/05 and at the end, the three persons who have approached by way of review petition 17/2009 and 15/2009.

(5) Since it is agreed that 17 members i.e. the respondents will be given allotment by the society immediately, the following flats from the following members will be immediately got vacated and will be allotted to the aforesaid 17 persons:-

Sl. No.	Name	Rev. Pet No.	Flat No.	Status
1	Jaidev Dahiya	10	B-1/7	Shri Dinesh Rana was found to be in possession as per the report of the local
2	Abheshek Kumar	Review petitioner, but did not file the writ petition	B-1/8	Locked since allotted.
3	HarishKumar Sethi	Review petitioner, but did not file the writ petition	B-2/1	Has inducted tenant vide agreement to sell dated 01.05.2006
4	Ms. Shakuntala Bhagat	8	B-3/2	Ms. Ritu was found to be in possession since 2008
5	Prakshwati Rathi	12	B-3/7	Ms. Alka was found, but she could not given convincing answer about her relationship with the petitioner.

6	Vishnu Sarup Vats	Review petitioner, but did not file the writ petition	B-4/2	Dr. N.K. Kaul was found to be in possession.
7	Mrs. G. Ahlawadhi	Review petitioner, but did not file the writ petition	B-6/2	B.B. Jain was found to be a tenant since 2005-06
8	Ms. Divya Syal	Review petitioner, but did not file writ petition. Radhey Syal is the then Secretary of the society	B-6/5	Locked

(6) Besides this, 2 flats will be vacated from the two non members, who did not even challenge the order of the RCS or of the Financial Commissioner. One flat will be got vacated from Smt. Santosh Bagri, whose name has not been cleared and her name has not been approved by the RCS till date and she has not challenged or initiated any proceedings in this behalf. One flat is lying vacant with the society and is being used as its office. Thus, in all, 12 flats will be available for allotment and handing over of possession immediately to the said 17 members.

(7) Five flats will be taken out for allotment to the members by conducting a draw amongs the remaining 12 non-members. As far as these five members are concerned, they will be given

a notional and constructive possession of their respective flats. They will be deemed to be the owners of the said flats w.e.f from the date of allotment. However, possession of flats will be given to them on or before 31st October, 2011 by the respective occupants/non-members. During this period, these non-members will be treated as licensee and they pay a sum of Rs.10,000/- month on account of use and occupation charges to the respective allottees with effect from September, 2010. These non-members/occupants will given an undertaking to this Hon'ble Court that they will hand over the vacant and peaceful possession of their respective flats by the aforesaid date, without any objections and demur. They will also undertake to keep on paying the use/occupation charges as aforesaid on or before 7th day of every months. In case of default of two consecutive months, they will hand over the vacant possession forthwith to the allottees. They will also keep on paying the electricity, water and other charges for this period. The vacant possession of the flat will be given irrespective of the construction and completion of new flats as aforesaid.

(8) Out of the aforesaid flats which become available, only two flats are in HIG category. However, there are more persons among the respondents who, had applied for HIG Flats. Four respondents are represented by Ms. Sunita Prabhakar and two by Mr. Poddar. Both the counsel are claiming that their clients should be given priority. In these circumstances, suggestion was mooted that two HIG flats which become available can be allotted by Draw of Lots among the six persons. This is, however, not acceptable to Ms. Prabhakar. In these circumstances, we are leaving this issue open for the parties to get the

issue determined in the appropriate proceedings as to who will have prior claim for allotment of these two HIG Flats.

New flats which are to be constructed, many of those would be in HIG category and at that stage all persons who have applied in HIG category can be accommodated. Therefore, it would be open to the other respondents who are to be allotted HIG to occupy MIG Flats for time being and thereafter shift to newly constructed HIG Flats.

(9) With regard to construction of new flats, learned counsel for the Administrator pointed out that he had received one feasibility report for the proposed additional 16 flats in the Society from the Architect Organic India in which he has submitted that 12 HIG Flats alongwith 2 lifts can be constructed on the 'C' shape block (A1 to A-6) and similarly four MIG Flats alongwith one lift can be constructed on a linear block (B-5 to B-6) and now the construction cost is reduced from Rs.3,06,00,000/- to 2,85,00,000/-. The Architect further submitted that around one and a half year is required for completing the construction after sanction from the local authorities.

(10) To obviate any chances of future dispute, the Administrator can seek options for HIG/MIG flats who are to be accommodated in new constructed flats and flats can be constructed accordingly. The learned counsel for the society informs that approximately Rs.1.35 crores are the funds available with the Society. Rs.5 lacs will be kept apart for making day to day expenses and Rs. 1.30 crores would be contributed for the construction of the flats. The remaining amount shall be contributed by the review petitioners and others who are

going to be accommodated in these new flats in equal proportion. The administrator can convene a meeting of these persons in order to know their preference.

(11) The Registrar of Cooperative Societies would increase the strength of the Society from 138 to 148.

(12). It is agreed that none of the members or non-members will continue to prosecute any proceedings against each other, including the proceedings before the Financial Commissioner regarding dual membership. In any case, it is agreed that any pending proceedings or complaints or Any other existing litigation between the parties will stand terminated/withdrawn. Similarly, any proceedings or complaints made with any authority either by the RCS or the new administrator against Shri Onkar Singh will not be prosecuted by such authority and will stand terminated/withdrawn and in future also no proceeding shall (sic) be initiated against him in his capacity as the administrator of the Society. This will subject to Sh. Onkar Singh handing over the entire records to the present Administrator.

10. All the proceedings stand disposed of.”

10. Thereafter, another set of applications was filed before the Division Bench, which were dismissed vide order dated 21st January, 2011. While disposing of CM No. 20419/2010, prayer made by the applicant that he should be allowed to stay in the existing flat till the new flats were constructed on the ground that order dated 28th July, 2010 was not a consent order was rejected and the application was dismissed. However, the Court

noticing apprehension of the applicant that the Administrator could go slow and there could be delay in process of construction, had directed the Administrator to submit a report.

11. In the meanwhile, eighteen out of twenty two newly inducted “members” whose membership was cancelled, had approached the Supreme Court by way of Special Leave to Appeals, in which notice was issued. Interim relief was also granted protecting dispossession of the appellants. Special Leave to Appeals were dismissed vide order dated 3rd May, 2018 which reads:-

“ Application for impleadment/intervention are allowed. In the facts and circumstances of the case, no case for interference is made out.

We are satisfied that the High Court has passed an equitable order in favor of the petitioners in spite of their being inducted as members, subsequently certain directions have been issued for construction of flats and thereafter to hand over to them.

In the facts and circumstances of the case, complete justice has been done by the High court.

Mr. Ravindra Shrivastava, learned Senior counsel has also raised a submission that in view of Rule 36(3) as the order was not passed by the Registrar of the co-operative Society within stipulated period he became functus officio and could not have passed order reinducting the member who were expelled by the society.

Learned Senior counsel has relied upon the decision in “ *Balasinor Nagrik Cooperative Bank Ltd. Vs. Babubhai Shankerlal Pandya and Others*” (1987)1 SCC 606 in The Gujarat Co-operative Societies Act, 1961, in which Section 36(1) of Gujarat Co-operative Society Act came for consideration of this Court. The second proviso of said Section 36 laid down that in case the order was not communicated within a period of three months from the date of such submission and in the

absence of such communication, the resolution passed by co-operative Society shall be effective. There is no such provision in Rule 36 in question. It only provides that within six months the Registrar shall decide the dispute, however, there is no stipulation as to the consequence as in Section 36 of the Gujarat Act.

In our opinion, not passing order within six months would not invalidate the order passed after six months. As such, no such consequence is provided in the Rule in question. Thus, the decision relied upon cannot be said to be of any application.

Apart from that, we are constrained to observe that order of the High court is just and equitable the petitioner has dragged this matter unnecessarily for the last seven years.

In view of the aforesaid, the Special Leave Petitions are dismissed.

Pending application(s), if any, stand(s) disposed of.”

12. Referring to this order of the Supreme Court, counsel for the petitioners, i.e. twenty two newly enrolled “members”, whose membership has been cancelled, has submitted that the Supreme Court has recognized and accepted their enrolment as “members” of the society. This is not correct. Supreme Court has dismissed the SLP, and thus the judgment and order dated 3rd November, 2008 as modified by consent order dated 28th July, 2010 stand affirmed. Contention of the petitioners, appellants before the Supreme Court, relying upon Rule 36 (3) to assert their right to membership for failure the Registrar to decide on their admission within time, was specifically rejected.

13. It is therefore lucid and clear that the petitioners, whose membership and enrolment was held illegal and contrary to law, would have limited rights, which flow in terms of the orders

passed by the Division Bench dated 3rd November, 2008 read with and as modified vide order dated 28th July, 2010. They cannot claim any further or additional right. Unfortunately, for the present petitioners, during the pendency of the litigation, there has been a change of policy of the Delhi Development Authority, vide notification dated 13th September, 2012 pursuant to the decision of the Lieutenant Governor. New policy states that utilization of additional FAR in group housing societies shall be approved for construction of additional tower/block and shall not be utilized for additional construction on the existing structure, as this would compromise with the structure safety of the existing building and risk living inhabitants. Society would have to comply with and additional construction has to be as per the Notification. To a large extent, the petitioners are themselves responsible, as in spite of favourable order dated 3rd November, 2008 read with order dated 28th July, 2010, they are continued with the litigation. This imprudence, was adversely commented upon by the Supreme Court in their order dated 3rd May, 2018, observing that the High Court had done complete justice and the applicants therein had dragged the matter unnecessarily for last seven years.

14. The petitioners have now raised the plea and claim that as per verification exercise undertaken by the Registrar/Administrator, there are only fifty four genuine members. We do not find any merit in the said contention. We may note that pursuant to the directions issued by the High Court for elections, verification exercise was undertaken by the

Registrar. In the said exercise, verification of fifty four members has been ascertained and confirmed. This verification exercise should not be confused with the issue of allotment of flats as the verification exercise is for elections to be held today. Allotment of flats was made on the basis of verification exercise undertaken earlier. The plea that some of the original/initial members have sold and transferred their flats is a separate matter. This allegation would have to be examined on case to case basis, to decide and adjudicate whether there was a transfer and whether the said transfer would be illegal and contrary to Delhi Cooperative Societies Act, 2003 and the applicable rules. Members concern and the transferee in case of transfer would have to be heard. This would take time.

15. Present writ petitions are an attempt to stall implementation of the orders passed in 2008-2010. The plea and reasons given cannot be a ground and pretext not to abide by the orders of the Court passed in 2008-2010, after these orders have been affirmed and upheld by the Supreme Court vide decision dated 3rd May, 2018. Notably, the petitioners herein could have raised all these grounds and issues before the Supreme Court. In fact the respondents assert that the petitioners herein did raise these grounds, including the contention that 124 flats were constructed and, therefore, some of the petitioners should be accommodated as is apparent from the order dated 16th February, 2018 passed by the Supreme Court.

16. In these circumstances, we do not find any merit in the

present writ petitions and the same are dismissed. It will be duty of the Administrator to ensure compliance of the orders passed by the High Court dated 3rd November, 2008 read with and as modified vide order dated 28th July, 2010. The eviction notice, if not complied with, should be complied with within a period of 21 days, failing which coercive action would be taken as per law. We may note that in terms of order dated 28th July, 2010, flats were to be vacated (see direction 5) and persons who were given four months time to vacate the flat were to pay demurrage charges @ Rs.10,000/- per month. These charges have not been paid by the said occupants. We clarify that we have not modified judgment and order dated 3rd November, 1999, read with order dated 28th July, 2000, albeit compliance must be made to handover possession of flats to the twenty two initial members.

17. With the aforesaid observations and directions, the writ petitions are dismissed, without any order as to costs. All pending applications, including application for impleadment, are accordingly disposed of.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JULY 10, 2018
MR