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

+ W.P.(C) 13045/2018 & C.M. No. 50653/2018 C.M. No.
50654/2018

BHUPINDER SINGH

..... Petitioner

Through: Mr. Bharat Bhushan Bhatia with
Mr. Rajesh Bhatia, Mr. Ankit Bhatia,
Advocates.

versus

REGISTRAR CO-OPERATIVE SOCIETIES AND ORS.

..... Respondent

Through: Mr. Devesh Singh, ASC with Ms.
Sukriti Ghai and Ms. Urvashi
Tripathi, Advs.
Mr. S.K. Kaushik, Adv. for DCHFC
Mr. Rajiv Vig, Adv. for R-1 Society.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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18.12.2018

It is pointed out by the learned counsel for the petitioner that in Arbitration proceedings an award was passed against the petitioner by the learned Arbitrator vide award dated 07.02.2012 in Arbitration Case No. 4156/J R/ARB /10-11. Against the said Award, the petitioner has already preferred an appeal before the Delhi Co-operative Tribunal. The said appeal is still pending disposal.

Attention of the Court has been drawn to the order passed by the Delhi Co-operative Tribunal on 12.04.2012 and 13.07.2012 which shows that the recovery of the awarded amount has been stayed. The said position has not been altered and, consequently, the stay continues to operate till date.

The submission is that despite that being the position, the impugned recovery certificate has been issued on 06.08.2018.

In view of the aforesaid, we dispose of this petition with the direction to the Delhi Co-operative Tribunal to expedite the disposal of the appeal. Till the disposal of the appeal, the impugned recovery certificate shall not be given effect to in terms of the recovery certificate.

The petitioner shall, however, not encumber or transfer his flat in the meanwhile till the matter attains finality.

We make it clear that we have not expressed any view on the merits of the case.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 18, 2018

N.Khanna