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

+ **W.P.(C) 1052/2019**

MOHAN CO-OPERATIVE INDUSTRIAL ESTATE Petitioner

Through: Mr.Rakesh Munjal, Sr. Adv. with
Mr.Rajesh Gupta, Mr.Harpreet Singh,
Mr.Pranjal Saran, Ms. Bulidas Jha
and Mr.Raghav Jha, Adv.

versus

NIRMAL JAIN & ORS Respondents

Through: Mr.Vishwa Bhushan, Adv. for R1-3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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15.02.2019

Two grievances were raised by the petitioner in the present petition as noticed in the last order, which reads as follows:-

“C.M. No. 4753/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 1052/2019 & C.M. No. 4752/2019

The first submission of Mr. Rakesh Munjal, learned senior counsel is that the petitioner's review filed before the Financial Commissioner is pending since December, 2017 against the order dated 10.11.2017. He further submits that the appointment of the inquiry officer under Section 62 of the Delhi Co-operative Societies Act, on 07.01.2019, is illegal in as much as, the inquiry officer appointed is a retired I.A.S. officer and not an official subordinate to the Registrar of Co-operative Societies as required by Section 62 of the said Act. Issue notice. Counsel for respondent No.4 accepts notice. Let notice be issued to respondent Nos. 1,2,3 and 5 returnable on 15.02.2019. Dasti”.

So far as the second grievance noted hereinabove is concerned,

learned counsel for Registrar of Co-operative Societies-respondent No.4 submits that respondent No.4 shall pass a fresh order so as to comply with the requirement of Section 62 of the Delhi Co-operative Societies Act, (the 'Act') with regard to the appointment of the Inquiry Officer. The order dated 07.01.2019 is accordingly, set aside. The Registrar of Co-operative Societies may proceed to pass a fresh order under Section 62 of the said Act.

So far as the first grievance of the petitioner is concerned, it is informed that learned Financial Commissioner Ms.Rinku Dhugga heard the submissions and reserved the orders on the review application in March, 2018. Thereafter, she was transferred out and has again been brought back as the Financial Commissioner. Since the hearing before Ms.Rinku Dhugga, the Financial Commissioner, took place, merely a year ago, we direct that she may hold a summary hearing to refresh herself on the said review application preferred by the petitioner and within a month thereof, the orders be passed on the said review application. The party shall appear before the Financial Commissioner on 22nd February, 2019 and she may fix a date for summary hearing within two weeks thereof. It is made clear that no adjournment shall be sought or granted by the Financial Commissioner.

The petition stands disposed of in the aforesaid terms.

Dasti to the parties.

VIPIN SANGHI, J.

A. K. CHAWLA, J.

FEBRUARY 15, 2019

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