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

+ **W.P.(C) 5376/2019**

SHASHI & ORS.

..... Petitioners

Through: Mr. Rajiv Vig, Advocate.

versus

**THE REGISTRAR COOPERATIVE
SOCIETIES, DELHI & ANR.**

..... Respondents

Through: Mr. Santosh Kumar Tripathi, ASC
with Mr. Shashank Tiwari and Mr.
Arpit Bisht, Advocates for R-1.
Mr. Puneet Mittal, Sr. Advocate with
Ms. D. Ghosh, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

20.05.2019

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C.M. No. 23647/2019

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

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2. The submission of Mr. Rajiv Vig, learned counsel for the petitioner is that the two Members Committee appointed by this Court did not issue individual notice to the Members and the Committee has proceeded to hold that the predecessor-in-interest of the petitioner Mr. C.L. Purthi and Smt. Kaushalya Kaur having membership Nos.242 and 276 have resigned from

the respondent Society which is contrary to the communication dated 16.06.2002 issued by the Cooperative Society to the Registrar of Cooperative Societies.

3. Issue notice.

4. Mr. Gautam Narayan accepts notice on behalf of Registrar of Cooperative Societies. Mr. D. Ghosh accepts notice on behalf of respondent no.2.

5. Counsel for respondents does not dispute the fact that the petitioners were not put to notice of its proceedings by the Committee, even though, that was so contemplated while appointing the Committee vide order dated 02.03.2017 passed in W.P.(C) No.9880/2004. The petitioners have made a representation to Hon'ble Mr. Justice S.N. Dhingra (Retd.), who was part of the Committee on 26.11.2018 pointing out their respective grievance.

6. Since the Committee has submitted its report (which appears to be undated), the said Committee has become *functus officio*.

7. Keeping in view of the aforesaid, we dispose of this writ petition with request to the Committee to look into the grievances of the petitioner and others who may raise similar grievances and to make a further report. The Committee may issue notice to such of the other Members/ Ex-Members whose names are found in the record, so that their claims are also examined after giving them opportunity of being heard. For the purpose, we extend the tenure of the Committee. The additional fee shall be payable to the Committee Members apart from all other out of pocket expenses. The Members shall be paid additional fee of Rs.2,00,000/- each tentatively.

8. The parties shall appear before the Committee on 28.05.2019.

9. In the meantime, earlier report submitted by the Committee shall not be acted upon.

10. The petition stands disposed of.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 20, 2019

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