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

+ **W.P.(C) 7494/2019**

SH. D. K. GOEL

..... Petitioner

Through: Mr. Mohit Kumar Gupta, Adv.

versus

THE DELHI CO-OPERATIVE TRIBUNAL AND ORS.

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

15.07.2019

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CM APPL. 31164/2019

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

W.P.(C) 7494/2019

The petitioner assails the order dated 15.03.2019, passed by the Delhi Co-operative Tribunal in Appeal No. 154/2018/DCT. The Tribunal has dismissed the said appeal preferred by the petitioner under Section 112 of the Delhi Co-operative Societies Act to assail the order dated 28.12.2017, passed by the learned Arbitrator in Arbitration proceedings under Section 70 of the said Act.

The tribunal has dismissed the said appeal on grounds of limitation in as much, as, there was a delay of nearly four months in filing the said appeal. The Tribunal also took note of the fact that the appeal had itself become infructuous since fresh elections had been held in the year 2018 and the petitioner's only grievance was with regard to the nomination of one Sh. Ajay Tanwar, whom the petitioner had claimed to be a defaulter. The Arbitrator had rejected that claim of the petitioner.

The submission of learned counsel for the petitioner is that the condonation of delay application had not been filed by the appellant or his counsel but by the junior counsel. We find no merit in this submission. In any event, since fresh elections have been held in respect of respondent society in the year 2018, the issue raised with regard to the nomination of Sh. Ajay Tanwar in respect of previous elections has become academic.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 15, 2019

N.Khanna