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

+ **W.P.(C) 12051/2019 and CM APPL. 49352/2019 (stay)**

ANIL KUMAR GAUR Petitioner

Through: Mr.Rajesh Srivastava, Advocate.

versus

THE REGISTRAR COOPERATIVE SOCIETIES AND ANR.

..... Respondent

Through:

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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18.11.2019

1. The Petitioner is the complainant, on whose complaint an enquiry was initiated against Respondent No.2, and on the basis of which report, an order was passed by the Registrar of Cooperative Societies (RCS), Respondent No.1 on 24th September, 2019 granting sanction to proceed against Respondent No.2 under Sections 121(2) of the DCS Act read with Rule 159 of the DCS Rules. The Petitioner, however, was not made a party in the proceedings before the Financial Commissioner, which were instituted by the Respondent No.2 challenging the aforementioned order.

2. By the impugned order, the Financial Commissioner has granted an *ex parte* stay of the order dated 24th September, 2019 of the RCS despite a caveat having been lodged by the Petitioner.

3. The Court is of the considered view that the Petitioner being a

complainant is a necessary and proper party to Case No. 256/2019 before the Financial Commissioner. Since, the order impugned before this Court in the present petition is itself an *ex parte* order, the Court considers it appropriate to direct as under:-

a) The Petitioner is permitted to file an application in the aforementioned Case No. 256/2019 before the Financial Commissioner on the strength of this order seeking two reliefs. First, that the Petitioner be impleaded in Case No.256/2019 and second, that the *ex parte* interim order be vacated.

b) If such application is filed within one week from today, the Financial Commissioner will, after issuing notice and hearing the parties, pass orders in accordance with law on the prayer for vacation of the interim stay.

c) It is clarified that in view of the order passed by the Court today, the Financial Commissioner will implead the present Petition as a Respondent in Case No.256/2019.

4. The petition is disposed of in the above terms.

5. Order *dasti*.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 18, 2019/pa