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

+ W.P.(C) 10783/2018 and CM APPL. 42033/2018

SUSHMITA BIT Petitioner

Through: Mr. Niloy Dasgupta, Advocate.

versus

THE REGISTRAR CO-OPERATIVE SOCIETIES
& ORS

..... Respondents

Through: Mr. Sachin Nahar & Mr. V.P. Nahar,
Advocates for respondent No.1 & 2.
Mr. S.K. Kaushik, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

18.02.2019

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The petitioner has preferred this writ petition to seek quashing of the recovery proceedings in case No.1840/2009-10/1661 filed by Delhi Cooperative Housing Finance Corporation Ltd. and/ or Mayur Bagh Cooperative Group Housing Society Ltd. against the petitioner or her predecessor-in-interest (Sh. B.K. Sodhi) in respect of Flat No.5, Mayur Bagh Cooperative Group Housing Society Ltd. seeking recovery of the amount. The petitioner also seeks a direction against the respondents not to take any action against her or her predecessor-in-interest in respect of the aforesaid recovery case pending before the Assistant Collector Grade-I and Recovery Officer.

The petitioner claims to have purchased a flat from her predecessor-in-interest one Sh. B.K. Sodhi. It appears that respondent No.3 advanced a loan to the respondent No.4 society for raising of construction of flats, and according to respondent No.3, the said erstwhile member Sh. B.K. Sodhi was also one of the beneficiaries of the loaned amount and he was also one of the loaned members. Since the amount was not repaid, arbitration proceedings were initiated, wherein award has been passed against the respondent No.4 society and its members, who had availed of the loan. On the basis of the said award, recovery proceedings have been initiated before the Assistant Collector Grade-I. The Assistant Collector Grade-I had issued a show-cause notice apparently dated 21.02.2017 to Sh.B.K. Sodhi asking the erstwhile member to show-cause as to why recovery should not be made for the amount of Rs.17,27,940/- as on 30.06.2015. The petitioner, as aforesaid, claims to have purchased the interest of the said erstwhile member Sh.B.K.Sodhi and has, therefore, approached this Court to seek the aforesaid reliefs.

In our view, the petition is not maintainable for several reasons. Firstly, only a show-cause notice has been issued and there is no order passed thereon till date. Secondly, the award obtained by respondent No.3 may be open to challenge subject to the rules of limitation and locus standi. Thirdly, even if an order were to be passed by the Assistant Collector Grade-I, the petitioner would have statutory remedy available in law.

Learned counsel for the petitioner submits that the petitioner is not possessed of the erstwhile award passed in favour of respondent No.3. Learned counsel for the respondent No.3 – who appears on advance notice, states that he shall provide a copy of the same to learned counsel for the

petitioner within a week. The same may be collected from his office.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 18, 2019

B.S. Rohella