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

\+ W.P.(C) 1545/2020, C.M. Appl.No. 5385/2020 (stay)

SH. SITA RAM SINGHAL ..... Petitioner

Through: Mr. R.P.S. Sirohi and Mr. Deepak Singhal, Advocates

versus

REGISTRAR COOPERATIVE SOCIETES GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Mr. Anuj Aggarwal, ASC for GNCT of Delhi with Mr. Ankit Monga, Advocate for RCS.
Mr. Sandeep Kumar, Advocate for respondent No. 2

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 12.03.2020

1. The present petition has been filed by the petitioner praying *inter alia*, for issuing directions to the respondent No. 1/Registrar of Cooperative Societies (RCS) to implement the Report dated 28.12.2016, submitted by a Three Members Committee constituted by the RCS, in terms of an order dated 21.03.2016, passed by a Division Bench of this court in a batch of writ petitions, lead matter being WP (C) No. 5192/2007 entitled "Santosh Gandhi & Anr. Vs. Sita Cooperative Group Housing Society Limited". We may note that a writ petition filed by the petitioner herein (WP (C) No. 1634/2015) was also decided by the aforesaid common order and judgment dated 21.03.2016.

2. Learned counsel for the petitioner states that vide order dated 21.03.2016, the Division Bench had directed the respondent no. 1/ RCS to consider the recommendation/ report dated 03.12.2014 prepared by J.R. Aryan Committee and pass a comprehensive order on the basis of the material that was considered by the said Committee as also any other material to be furnished in respect of 39 members, who are claiming 16 un-allotted flats in the respondent No. 2/Society.

3. It was further directed that the Seniority list/lists will have to be drawn with reference to specific dates and in case of those who are found ineligible, the respondent No. 1/RCS should specifically record the reasons for arriving at such a conclusion. The said process was directed to be completed after giving a reasonable opportunity to the concerned individuals. Respondent No. 1/RCS was also directed to pass a speaking order upon completing the task, on or before 28.03.2016.

4. Learned counsel for the petitioner states that in compliance of the aforesaid order, a Report dated 28.12.2016 was prepared by the Three Member Committee constituted by the respondent No. 1/RCS wherein the name of the petitioner is at Serial No.1, as per this list at page 71 of the paper book and he was found fit for allotment of an 'A' category flat in the respondent No. 2/Society. Thereafter, the petitioner kept running from pillar to post and repeatedly approached the office of the respondent No. 1/RCS for implementing the Report but did not receive any positive response. The petitioner was thus compelled to file contempt proceedings against the respondent no.

1/RCS, registered as Cont. Cas. No.961/2018, which is pending and listed on 19.03.2020.

5. It is submitted that in the meantime, the office of the respondent no. 1/RCS moved an application in the captioned Contempt Case, with a prayer for modifying the criteria for determining the eligibility of the members. The said application was however dismissed by the Division Bench vide order dated 21.10.2019 and it was observed that there is no excuse for the RCS not to implement the binding orders of the court dated 29.07.2010, passed in WP (C) No. 7489/2003 and the connected matters as also the order dated 21.03.2016, reiterating the earlier order dated 29.07.2010.

6. Learned counsel for the petitioner states that after the aforesaid application came to be dismissed, the respondent No. 1/RCS ought to have taken immediate steps to implement the Report of the Three Members Committee but instead of doing so, a Public Notice dated 20.01.2020 has been issued (Annexure P-9) wherein final opportunity has been given to 23 claimants including the petitioner herein calling upon them to file representations, not exceeding three pages with supporting proof of documents etc. for considering their claims and deciding their inter-se seniority, purportedly in terms of the directions issued by the court.

7. Learned counsel for the petitioner states that once the respondent no. 1/RCS had itself cleared the name of the petitioner in terms of the Report dated 28.12.2016, submitted by the Three

Members Committee, there is no requirement for the petitioner to furnish any further documents. He contends that the Public Notice is nothing but another attempt to harass the petitioner. Hence the present petition.

8. Mr. Anuj Aggarwal, learned counsel for the respondent/RCS, who appears on advance notice, states that certain relevant information is still required from the petitioner and the other claimants.

9. We are gathering an impression that the respondent No. 1/RCS is trying to overreach the orders of this court by issuing the impugned publication. When it was made clear by a Division Bench of this Court vide order dated 21.10.2019, passed in Cont. Case 961/2010 that the names of those petitioners that have already been included in the list drawn up by the Three Members Committee constituted by the RCS, there is no question of there being any doubt as to their eligibility for allotment of flats in the respondent no.2/Society. In the teeth of the aforesaid order, the attempt of the respondent No. 1/RCS to issue a public notice calling upon the petitioner and other claimants, whose names have already been cleared, to furnish further documents, is most unacceptable and unjustified.

10. The impugned public notice is not sustainable and is accordingly quashed insofar as it lists the names of those claimants whose seniority has already been cleared by the Three Members Committee constituted by the respondent no.1/RCS.

11. The present petition is allowed and disposed of alongwith the pending application.

HIMA KOHLI, J

ASHA MENON, J

MARCH 12, 2020
pkb/s