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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2242/2020**
DELHI MERCANTILE COOP. URBAN T/C SOCIETY LTD. AND
ORS.

..... Petitioners

Through: Mr. S.K.Sharma, Advocate

versus

THE REGISTRAR OF COOPERATIVE SOCIETIES AND ORS.

..... Respondents

Through: Ms. Monica Kapoor, Advocate for
respondents No.2 to 4 with
respondents No. 2 and 3 in person.
Mr.Gautam Narayan, ASC with Ms.
Dachhita Shahi and Ms. Shivani Vij,
Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

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11.03.2020

Caveat No.184/2020

Since Ms. Monica Kapoor, Advocate enters appearance on behalf of the respondents No.2 to 4 and Mr.Gautam Narayan, ASC enters appearance on behalf of the respondent/Govt. of NCT of Delhi, the caveat stands discharged.

W.P.(C) 2242/2020, C.M. Appl.No. 7824/2020 (Stay)

1. The present petition has been filed by the petitioner/Society

assailing the order dated 03.01.2020, passed by the respondent No. 1/ Registrar of Cooperative Societies (for short, 'RCS') superseding the Managing Committee of the Petitioner/Society with immediate effect, by invoking the powers conferred under Section 37(1) of the Delhi Cooperative Societies Act, 2003.

2. At the outset, learned counsel for the petitioners states that as the petitioners have challenged the order dated 03.01.2020 before the Financial Commissioner, they do not wish to press the petition in respect of the said order and reserve their rights to take all the pleas that may be available to them before the Financial Commissioner.

3. As for the order dated 31.01.2020, passed by the Financial Commissioner, learned counsel for the petitioners states that vide order dated 14.01.2020, operation of the order dated 03.01.2020, passed by the respondent No.1/RCS was stayed till the next date of hearing and the petitioners' appeal was adjourned to 21.05.2020. However, the appeal was taken up on 31.01.2020 when counsel for the respondents No. 2 to 4 filed an application before the Financial Commissioner stating *inter alia*, that they had filed a caveat petition, which was not noticed on 14.01.2020 and an *ex parte ad-interim* injunction order was granted in favour of the petitioner/society without hearing them. Learned counsel states that it was in this background that the Financial Commissioner had vacated the order dated 14.01.2020 after hearing both the parties vide order dated 31.01.2020.

4. The grievance of the petitioners is that the order dated 31.01.2020 is a non-speaking one and there is no reasoning given in the said order that reflects as to what had weighed with the Financial Commissioner for vacating the order dated 14.01.2020.

5. On a perusal of the order dated 31.01.2020, particularly para 3 thereof, we are in agreement with learned counsel for the petitioners that there is no reasoning in the said order for the Financial Commissioner to have vacated the earlier order dated 14.01.2020.

6. As the appeal filed by the petitioners is now listed before the Financial Commissioner on 01.05.2020, it is deemed appropriate to direct the Financial Commissioner to hear both the sides on the said date and pass a speaking order, disposing of the appeal itself filed by the petitioners.

7. Till a decision is taken in Case No.13/2020, filed by the petitioners, no coercive steps be taken by the respondents No. 2 to 4 against the Society.

8. The petition is disposed of with the aforesaid directions alongwith the pending application.

HIMA KOHLI, J

ASHA MENON, J

MARCH 11, 2020

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