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

+ W.P.(C) 5349/2020

MIANWALI DISTRICT COOPERATIVE HOUSE BUILDING

SOCIETY LTD. & ORS

.....Petitioners

Through: Mr. Rajiv Saxena, Advocate.

versus

REGISTRAR COOPERATIVE SOCIETIES, DELHI, GNCTD & ORS

....Respondents

Through: Mr. Gautam Narayan, ASC, GNCTD
with Ms. Shivani Vij, Advocate.

Mr. Manjit Singh Ahluwalia, Adv. for R- 3- 6.

Mr. R.K. Gupta, Advocate for R-5.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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18.08.2020

HEARD THROUGH VIDEO CONFERENCING.

CM APPL. 19293/2020 (exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5349/2020 and CM APPL. 19292/2020 (for grant of ex-parte ad interim order)

1. The petitioner/Society seeks quashing of the order dated 05.08.2020, passed by the Financial Commissioner (in short 'the F.C.') in an appeal filed by the Society against the order dated 24.07.2020, passed by the respondent No.1/Registrar of Cooperative Societies. By the impugned order, the F.C. has dismissed an application moved by the petitioner/Society for an *ex parte* stay in Case No.79/2020, on the ground that there is no justification for taking an early decision in the matter.

2. Mr. Rajiv Saxena, learned counsel for the petitioners states that had the learned Financial Commissioner only dismissed the stay application moved by

the petitioner/Society on the ground that there was no urgency in the matter, the petitioners may not have had any grievance, but the learned F.C. has gone into the merits of the matter in para 2 of the impugned order, when the appeal is still pending and has been adjourned to 17.09.2020.

3. Issue notice. Mr. Gautam Narayan, learned ASC appears for the respondents/GNCTD and accepts notice and states that this court may clarify the second para of the impugned order by declaring that the merits of the matter have not been examined by the learned Financial Commissioner as the appeal is still pending.

4. In view of the submission made hereinabove, with the consent of the parties the present petition is disposed of, while expunging para 2 of the order dated 05.08.2020 passed by the learned F.C. As Case No. 79/2020 is listed before the learned Financial Commissioner on 17.09.2020, he shall take an independent view in the matter and pass an order after examining the case set up by the petitioner/Society, being aggrieved by the order dated 24.07.2020, passed by the RCS.

5. It is made clear that while passing the above order, this court has not examined the merits of the order dated 24.07.2020 and it is left for the petitioners to persuade the learned Financial Commissioner to interfere in the order dated 24.7.2020 passed by the RCS.

6. The writ petition is disposed of, along with the pending applications.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

AUGUST 18, 2020

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