

\$~18(2021)

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

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Decision delivered on: 25.10.2021

+ **W.P.(C) 8210/2020**

PRAVEEN KUMAR GUPTA

.....Petitioner

Through: Mr. Sanjay Kumar Pathak with Ms. K. Kaumudi Kiran Pathak, Mr. Sunil Kumar Jha and Mr. M.S. Akhtar, Advocates.

versus

REGISTRAR, COOPERATIVE SOCIETIES, GNCTD & ANR.

.....Respondents

Through: Mr. Gauram Narayan, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened via video-conferencing on account of COVID-19]

1. Before we proceed with the matter, we may record that, the matter was placed before a bench, comprising one of us i.e., Rajiv Shakdher, J. and HMI Subramonium Prasad, on 23.07.2021, whereby CM No. 20255/2021 was disposed of, based on the statement of Mr. Gautam Narayan, who appears on behalf of respondent nos. 1 and 2, that the petitioner's case would be put before the "Rule 90 Committee" (in short "the Committee"), as directed, within four weeks the date of the said order.

1.1. To be noted, the aforementioned application had been filed by the petitioner for revival of the main writ petition, i.e., W.P.(C) 8210/2020, and for consequential order(s).

1.2. It is in this background that, the matter was directed to be listed on 15.09.2021.

1.3. On 15.09.2021 the matter was listed before this bench.

1.4. It appears that, the Registry did not point out that, this matter, perhaps, had to be listed before the earlier bench i.e., the bench comprising one of us [i.e., Rajiv Shaktiher, J.] and H.M.J. Subramonium Prasad.

2. Be that as it may, since on 15.09.2021, we had only granted further time for compliance to Mr. Narayan, the matter has been placed before us today i.e., 25.10.2021.

2.1. Learned counsel for both the parties i.e., Mr. Sanjay Kumar Pathak, who appears on behalf of the petitioner, and Mr. Narayan say that, since the issue involved today is only concerning compliance, they have no objection to this bench taking up the matter.

2.2. Thus, with the consent of the counsel of the parties, the matter is taken up by this Bench.

3. Mr. Narayan says that, a compliance affidavit dated 22.10.2021 has been placed on record.

3.1. Mr. Narayan also states that, the name of the petitioner [i.e, M.S. No. 240] has been forwarded to the Delhi Development Authority(DDA) for draw of lots.

3.2. This affidavit is accompanied by a letter dated 21.10.2021, which is

addressed by Mr. Ajit Kumar, Assistant Registrar (Sec-VII), to the Deputy Director, (Group Housing), DDA.

3.3. A perusal of the abovementioned letter shows that, *inter alia*, the petitioner's name has been approved by the Committee, constituted under Rule 90 of the Delhi Co-operative Societies Rules, 2007 (in short "DCS Rules, 2007") on 13.10.2021, for draw of lots. Insofar as the petitioner is concerned, his name is shown against flats falling in category A.

3.4. The aforesaid letter also indicates that, his membership has been cleared based on documents filed by the concerned society.

3.5. Via the abovementioned letter, recommendation has been made to take necessary action(s) in the matter, for holding the draw of lots.

4. Mr. Pathak says that the writ petition can be closed, with a direction to DDA to act expeditiously in the matter.

4.1. It is ordered accordingly.

4.2. The DDA will take the next steps in the matter, as early as possible.

5. Parties will have liberty to place the order passed by us today, before the concerned officer of DDA.

6. The parties will act based on the digitally signed copy of this order.

7. The case papers shall stand consigned to record

RAJIV SHAKDHER, J

TALWANT SINGH, J

OCTOBER 25, 2021/mr

[Click here to check corrigendum, if any](#)