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

% *Date of Decision : 28th September, 2021*

+ W.P.(C) 11021/2021

SHIV KUMAR

..... Petitioner

Through: Mr. Pravesh Kumar, Advocate

versus

THE REGISTRAR COOPERATIVE SOCIETIES & ORS.

..... Respondents

Through: Mr. Dhananjaya Mishra & Ms. Reyna
Shruti, Advocates for R-1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

CM APPL.33963/2021 (exemptions)

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) 11021/2021 & CM APPL.33964/2021 (Stay)

1. Present Public Interest Litigation has been filed seeking the following reliefs:-

“a. Issue the writ(s) /direction(s) in the nature of certiorari or any other appropriate writ (s)/ direction(s) thereby setting aside the order dated 25. 04.2018 passed by respondent No. 1 in favour of respondent No.3 and against the petitioner in the

matter titled as “DELHI NAGRIK SEHKARI BANK LTD. VS. SHIV KUMAR & ORS.”

b. pass an order in favour of the petitioner and against the respondents thereby stay the proceedings of execution of order dated 25.04.2018, in the interest of justice.

c. Pass any such further order(s) as this Hon 'b le court may deem fit and proper in the facts and circumstances of the case.”

2. We have heard the learned counsel appearing for the Petitioner.
3. Present petition has been preferred against an *exparte* Arbitration Award dated 25.04.2018 (Annexure – A to the memo of this petition) passed by Respondent No.1, whereby Petitioner has been directed to pay a sum of Rs.5,58,354/- alongwith interest to Respondent No.3 against a loan of Rs.5 Lakh taken from Respondent No.3 on 08.09.2014 for a period of seven years.
4. Learned counsel for the Petitioner submits that the Petitioner has already paid Rs.4,37,500/- and another sum of Rs.50,000/- towards the outstanding loan amount and despite this, a Recovery Order has been passed by Respondent No.1, without any notice. Learned counsel also fairly submits that an appeal has already been preferred being Appeal No.29/2019, before Respondent No.2, against the Award, which is pending consideration. It is submitted that since no relief has been granted till date by Respondent No.2 / Delhi Cooperative Tribunal, Petitioner has approached this Court as recovery has been initiated by Respondent No.1.
5. Looking to the facts and circumstances of the case, especially the fact that the Arbitration Award dated 25.04.2018 impugned herein, has already been challenged in an appeal being Appeal No.29/2019, before the

Delhi Cooperative Tribunal, we see no reason to entertain the present writ petition.

6. We, however, request Respondent No.2 / Delhi Cooperative Tribunal to dispose of the appeal preferred by the Petitioner, as expeditiously as possible, keeping in view the fact that recovery proceedings have been initiated against the Petitioner.

7. With these observations, the writ petition is hereby disposed of alongwith the pending application.

CHIEF JUSTICE

JYOTI SINGH, J

SEPTEMBER 28, 2021

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