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

% *Date of Decision: 08th February, 2022*

+ **W.P.(C) 2373/2022**

COL. MOHINDER PRATAP WADWA & ANR. Petitioners
Through **Mr. Anil Kumar Verma, Advocate.**

versus

**THE REGISTRAR CO-OPERATIVE
SOCIETIES & ANR.** Respondents
Through **Mr. Naushad Ahmed Khan,**
Additional Standing Counsel for GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

Proceedings have been conducted through video conferencing.

CM APPL. 6824/2022 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2373/2022 & CM APPL. 6823/2022 (Interim Relief)

1. We have heard learned counsels appearing on behalf of the parties and have looked into facts and circumstances of the case.
2. Learned counsel appearing on behalf of the Petitioners submits that initially, there were 1076 members in the Society namely, Dera Ismail Khan Co-operative House Building Limited and the purpose of the Society was to provide residential plots to its members. In June 1979, the building



plan of the Society was sanctioned by the DDA and on that basis, the members were allocated the plots against their membership/share certificate issued by the Society and only 69 members were left out without allotment. On 05.01.1994, the Executive Committee of the Society submitted a proposal to MCD for carving out 69 plots out of land ad measuring 7.70 acres reserved for Higher Secondary School in Block-A. While the matter was pending on 02.08.2002, suddenly the list of 69 members was increased to 120 members, despite non-availability of land with the Society and the list was submitted to the Registrar, Co-operative Societies in 2002.

3. It is further submitted that a complaint was given to Respondent No.1/RCS on 20.01.2020, regarding the anomalies in the functioning of the Society and on 09.11.2020, the Assistant Registrar passed an order under Section 35(5) of the Delhi Co-operative Societies Act, 2003 appointing an Administrator-cum-Returning Officer of the Society. On 19.03.2021, an order was passed directing the Administrator to file a response on certain aspects, such as, (a) original freeze list of members; (b) list of membership of allotted members; and affidavit from the 120 members explaining how they got the membership.

4. It is the grievance of the Petitioners who are senior citizens and members of the Society that Respondent No.1 has failed to investigate how the list of 69 members who were awaiting the allotment of the plots suddenly increased to a list of 120 members. Further, the Administrators are repeatedly being changed but no elections are being conducted and the affairs of the Society are being managed without any regulation. It is further submitted that the complaint dated 20.01.2020 (Annexure P-1 to the memo of the writ petition), made to Respondent No.1 is still pending and there has been no action. It is thus submitted that a suitable direction be given to



Respondent No.1 to look into the grievances ventilated in complaint dated 20.01.2020, in light of the order dated 19.03.2021, passed by Additional Registrar, Cooperative Societies (Annexure P-4) and the decision be taken by Respondent No.1 within a stipulated time frame.

5. Having heard the counsels and in view of the limited submission made by learned counsel for the Petitioners, as aforementioned, we hereby direct Respondent No.1 to look into the grievances ventilated in the complaint dated 20.01.2020 and take a decision thereon, after seeking response from the Administrator in terms of the order dated 19.03.2021 passed by Additional Registrar, Cooperative Societies. The decision shall be taken by Respondent No.1, in accordance with law, rules and regulations applicable to the facts of the case and after giving adequate opportunity of hearing to all the stakeholders. The decision shall be taken as expeditiously as possible and preferably within a period of 8 weeks from the date of receipt of the copy of this order.

6. Needless to state that if the Petitioners are still aggrieved, they will be at liberty to resort to appropriate remedies available to them, in accordance with law.

7. With these observations and directions, the writ petition along with pending application is hereby disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

FEBRUARY 08, 2022

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