



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

% Date of decision: August 2, 2023

+ W.P.(C) 10492/2019

SH. AMIT V SINGH

..... Petitioner

Through: Mr. C.K. Bhatt, Adv. with
petitioner in person.

versus

REGISTRAR OF COOPERATIVE SOCIETIES
AND ORS.

..... Respondents

Through: Ms. Aditi Saraswat, Adv. for
Mr. Jawahar Raja, ASC, Civil
(GNCTD) for R1.
Mr. Sandeep Kumar, Adv. for R2.
Mr. Vipul Pankaj Sanghi and Mr.
Prateek Vaish, Advs. for R3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:

“Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(i) Issue an appropriate writ/order to direct the Respondent no.4 to refund excess amount of Rs.13,87,707/- alongwith interest @18% from 30/6/2016 till date of its actual realization.



(ii) Direct Respondent no.2 and 3 to issue requisite NOC to the petitioner to enable him to get his flat no.27, Panchdeep Apartments .Vikaspuri, New Delhi freehold with DDA.

(iii) Pass any such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the present case."

2. Suffice to state, the petitioner had approached the learned Financial Commissioner by way of a Revision Petition under Section 116 of the Delhi Cooperative Societies Act, 2003 against an order dated October 15, 2015 passed by the Assistant Collector, Grade-I, who found the claim of the petitioner as devoid of merit and observed that he is liable to pay the decretal amount.

3. We have heard learned counsel for the parties. The issue in the present case is with regard to the calculation of the liability of the petitioner towards respondent Nos. 2 and 3.

4. The submission of the learned counsel for the petitioner is, that the petitioner and the respondent Nos. 2 and 3 shall file their calculation as to the amount due and payable, (if any), by the petitioner to the respondent Nos. 2 and 3 or for that matter any amount is refundable to the petitioner. In this regard, he has sought time to file an additional affidavit as well.

5. On the other hand, Mr. Sandeep Kumar, learned counsel appearing for respondent No.2 would suggest as the Financial Commissioner has remanded the matter back to the RCS, appropriate shall be for the RCS to determine the liability in the manner suggested



by the counsel for the petitioner. This submission of Mr. Kumar is appealing.

6. Accordingly, we deem it appropriate to dispose of the petition by directing the RCS to take action in terms of the order passed by the Financial Commissioner after hearing the parties on a given date and time. We may also state that the respondent Nos. 2 and 3 have not contested the conclusion of the learned Financial Commissioner that in reassessing the outstanding dues against the petitioner, no compound interest can be charged except the 2.5% penal interest on the DCHFC loan which can be compounded quarterly.

7. Accordingly, we direct the RCS to take further action in terms of the order dated August 19, 2016, for which purpose the petitioner and respondent Nos. 2 and 3 shall file their affidavits before the RCS.

8. The aforesaid exercise shall be completed within a period of eight weeks from today. The parties shall act as per the conclusion arrived at by the RCS.

9. The petition stands disposed of.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

AUGUST 02, 2023/jg