

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

% *Date of Decision: May 22, 2023*

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+ **W.P.(C) 5521/2023, CM APPL. 21615/2023**

CHAMAN LAL & ORS.

..... Petitioners

Through: Mr. Rizwan and Ms. Sachi Chopra,
Advocates.

versus

**REGISTRAR OF COOPERATIVE SOCIETIES
& ORS.**

..... Respondents

Through: Ms. Satyakam, ASC with Ms. Pallavi
Singh, Advocate and Mr. Satish
Kumar Gupta, A.R. and Mr. Jayant
Majumdar, ASO for R-1.

Ms. Pooja M. Saigal, Mr. Simrat
Singh Pasay and Ms. Tanya Pandey,
Advocates for R-2.

Mr. R. K. Dhawan, Standing Counsel
with Mr. Vinod Teng and Ms.
Vanshika Agarwal, Advocates for
DDA.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

1. On May 1, 2023, this Court had passed a detail order, paragraph 4 thereof, reads as under:

“4. An issue has arisen whether four members of a society can invoke the provisions of Section 61 of the Delhi Co-Operative Societies Act, 2003. Our attention has been drawn to the proviso clause to contend that not only four members even one member can seek an inspection in terms thereof.”

2. Today, Mr. Satyakam states, RCS or an officer authorized by RCS can undertake an inspection of the society/respondent no. 2 under Section 61 of the Delhi Cooperative Societies Act, 2003 and a decision in that regard shall be taken by the RCS within one week from today.
3. Mr. Rizwan appearing for the petitioners and the learned counsel for the Society have accepted the submission made by Mr. Satyakam provided the officer to be appointed for inspection, also hears the petitioners as well as the Society. There cannot be any contest on the said submission/proposition that any inspection carried out by an officer shall entail hearing of the parties concerned during the same.
4. Taking the submission made by Mr. Satyakam on record, a decision as per the submission of Mr. Satyakam be taken by RCS within one week from today.
5. During the course of hearing, Mr. Rizwan has drawn our attention to the minutes of the AGM held on December 13, 2022 to pray that these minutes need to be stayed as the respondent no. 2 Society is going ahead implementing certain decisions taken in that AGM.
6. We say nothing on the submission except that such a submission shall be made to the officer who shall be appointed for inspection of the Society for him to take a decision in that regard.
7. We are in agreement with the plea made by Mr. Rizwan and the counsel for the Society, that the inspection be videographed. The charges for videography shall be shared equally by the petitioners as well as by the Society.
8. The Writ Petition is disposed of. It goes without saying further action, if required to be taken by the RCS based on the report to be submitted by the

officer, shall be in accordance with law.

9. Suffice to state this Court has not expressed itself on the merits of the issue raised by the petitioners in this petition. All contentions of the parties are left open to be agitated or to be advanced before the officer.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

MAY 22, 2023/akc

