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

+ W.P.(C) 8935/2022 & CM APPL. 26859/2022, CM APPL. 45052/2022

THE HOME LIVING COOPERATIVE GROUP HOUSING
SOCIETY LTD.

.....Petitioner

Through: Mr. Abhimanyu Mahajan, Ms.
Anubha Goel and Mr. Mayank Joshi,
Advocates

versus

THE REGISTRAR COOPERATIVE SOCIETIESRespondent

Through: Mr. Avishkar Singhvi, ASC with Mr.
Naved Ahmed, Mr. Vivek Kumar
Singh and Mr. Shubham Kumar,
Advocates for GNCTD
Mr. N. S. Dalal, Advocate for R-2 to
R-4

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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31.07.2024

CM APPL. 9802/2024

1. The present CM has been filed by the Applicant-Respondent No.1 seeking vacation of the status quo order dated 19th October, 2022 so that inquiry under Section 62 of DCS Act, 2003 can be commenced and taken to its logical conclusion.
2. After some arguments, learned counsel appearing for the petitioner on instructions states that the petitioner shall cooperate in the inquiry



proceedings provided it is given an opportunity to file a written response to the findings in the inspection report dated 24th August, 2021 within two weeks and the inquiry officer is directed to apply its mind independently uninfluenced by the finding of the inspecting officer that the allegations in the complaint are correct and stand proved.

3. This Court is of the opinion that the request made by learned counsel appearing for the petitioner is fair and reasonable.

4. Accordingly, the present application and writ petition are disposed of with liberty to the petitioner to file its reply before the inquiry officer within two weeks of intimation of the name and address of the inquiry officer of the RCS. It is made clear that findings given in the inspection report are tentative and the inquiry officer shall apply his/her mind independently.

5. In the event, the petitioner is aggrieved by the decision of the inquiry officer, the petitioner shall be at liberty to file appropriate proceedings in accordance with law.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 31, 2024/MS