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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6326/2024 & CM APPL. 54223/2024

HEMANT KUMAR AGGARWAL

.....Petitioner

Through: Mr. S. K. Kaushik, Advocate.

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.....Respondents

Through: Mr. Prashant Manchanda, ASC,
GNCTD with Ms. Nancy Shah & Ms.
Haridas Medha Dilip, Advocates.

Mr. Rohit Kumar Modi with Mr.
Rajesh Bhasin (Secretary of Society
for R-2/Society)

Mr. Hasruddin Khan, AE/MCD

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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27.09.2024

1. Learned Counsel for the Registrar Co-operative Society has today handed over a letter dated 3rd September, 2024 written by Assistant Registrar, RCS to the President / Secretary, Sant Tulsi Dass, CGHS Ltd, Plot No.14, Sector-14, Rohini The said letter is reproduced hereunder:-

“GOVT OF NCT OF DELHI

*OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001.
(Section-VII)*

No. 47/347/NW/GH/Sec.7/Coop/2023/610

Dated: 03.09.2024

To,

*The President/Secretary
Sant Tulsi Dass CGHS Ltd.,
Plot No.14, Sector-14, Rohini,
New Delhi-1100085.*

Sub: Direction with reference to your letter dated 16.05.2024.



Ref:- W.P(C) 6326/2024 titled as Sh. Hemant Kumar Aggarwal Vs Registrar Co-operative Societies & ANR.

Kindly refer to your letter dated 16.05.2024 vide which, clarification has been submitted with regard to the grievances of Sh. Hemant Kumar Aggarwal and requested to this office to direct Sh. Hemant Kumar Aggarwal to pay the dues pending of an amount of Rs. 4,33,991/- towards maintenance charges and litigation charges etc.

In this regard, it is informed that a writ petition bearing no. 6326/2024 has been filed by Sh. Hemant Kumar Aggarwal with the prayer to set aside the illegal demand of Rs. 4,33,991/- raised by the society vide its demand letter dated 13.05.2024.

In view of the above, it is hereby directed to handover the possession of flat to Sh. Hemant Kumar Aggarwal, however, the matter of dues (maintenance charges and litigation charges) if any, may be pursued by the society separately under section 70 of DCS Act, 2003.

ASSTT.REGISTRAR (Sec.VIII)/L.O”

2. The letter dated 3rd September, 2024 is taken on record.
3. Learned counsel for the respondent cooperative society states that though they have not received a copy of the letter dated 3rd September, 2024, yet he is willing to abide by the same. He further assures and undertakes to this Court that the possession of the flat shall be handed over to the petitioner within a week. He also states that the issue of dues, maintenance charges and litigation charges shall be agitated by the society by filing a proceeding under Section 70 of the Delhi Co-operative Societies Act, 2003.
4. Learned counsel for the petitioner states that neither any maintenance charge nor litigation charge or any other charge is payable by the petitioner.
5. Keeping in view the aforesaid, this Court directs the respondent-Co-operative society to hand over the flat in question to the petitioner within a week.
6. The Co-operative Society is given liberty to file proceedings under Section 70 of the Delhi Co-operative Societies Act 2003.



7. The petition stands disposed of. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 27, 2024

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