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

+ **W.P.(C) 6842/2024 & C.M.Nos.28522-28523/2024**

SMT SUMAN LATA GUPTA

..... Petitioner

Through: **Ms.Nandini Sahni with Mr.Shashank
Sharma and Mr.Sachin Bundooni,
Advocates.**

versus

REGISTRAR COOPERATIVE SOCIETY & ORS. Respondents

Through: **Ms.Avni Singh, Advocate for R-1 &
4.
Mr.Dalbir Singh, Advocate (Through
VC).**

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Date of Decision: 14th May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present writ petition has been filed to summon the records of Arbitration Case No.95 of 2022 titled as “*Suman Lata Gupta vs. Venus CGHS Ltd., Through its Secretary*” and issue directions to the respondent no.1 to not proceed with the said arbitration case till the decision of the present writ petition. The petitioner further seeks issuance of directions to the respondent no.2 to issue NOC in favour of the petitioner qua her flat bearing no.41, Venus CGHS Ltd., Plot No.7, Paschim Vihar, Rohtak Road,



New Delhi-110087 for conversion of the said flat from leasehold to freehold.

2. Learned counsel for the petitioner states that the petitioner had earlier filed W.P.(C) 4935/2019 before this Court challenging the illegal and frivolous demand raised by the respondent no.3-Society qua the petitioner's request for conversion. She points out that the said demand had been raised despite issuance of no-dues certificate by the erstwhile Managing Committee of the respondent no.3-Society as well by the Delhi Cooperative House Finance Corporation. She states that vide order dated 08th December, 2020, the said petition was withdrawn by the petitioner with liberty to invoke Section 70 of the Delhi Co-operative Societies Act, 2003 ("DCS Act") for adjudication of the disputes before an Arbitrator.

3. She states that despite invocation of Section 70 of the DCS Act by the petitioner in November, 2022, no final decision has been taken by the respondent no.1 till date.

4. She emphasises that petitioner is a 71 years old lady and her husband is suffering from cancer. She further states that the petitioner desperately needs to rent out the flat in question to have a source of livelihood to take care of her seriously ailing husband.

5. Learned counsel for respondent no.2-Administrator states that the husband of the erstwhile Treasurer is not handing over the records of the Co-operative Society despite a number of directions issued by the Registrar Co-operative Society (RCS).

6. Learned counsel for respondent no.1 states that despite the RCS requesting the SDM to ensure handing over of the records to the Administrator, the SDM has not been able to do so till date.



7. Keeping in view the aforesaid, this Court directs the SDM, Punjabi Bagh to comply with the orders of the RCS and ensure that the records of Co-operative Society are handed over to the Administrator forthwith.
8. The RCS is also directed to dispose of the petitioner's petition along with any future application(s) filed by the petitioner for renting out the flat in question within two months. Needless to state that the RCS shall decide the matter in accordance with law. The rights and contentions of all the parties are left open.
9. In the event, the directions given by this Court are not complied with, the parties shall be at liberty to approach this Court.
10. With the above directions, present writ petition along with the applications stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 14, 2024
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