



\$~2

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

+ **W.P.(C) 13214/2022**

BALJEET KAPOOR

..... Petitioner

Through: Mr. Vivek Kumar Tandon, Ms.
Prerna Tandon and Mr. Darshnik
Narany, Advocates

versus

REGISTRAR COOPERATIVE SOCIETIES & ORS..... Respondents

Through: Mr. Sameer Vashisht, ASC(C)
GNCTD with Ms. Harshita Nathrani,
Advocate
Mr.Paras Hasija, Advocate for R-2
with Mr.Vijay Kamra, General
Secretary.
Mr. Rohit Gandhi, Advocate
(Through VC) for DDA

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

04.03.2024

CM APPL. 11893/2024

1. Keeping in view the averments in the application for early hearing, the same is allowed. Further with the consent of the parties, the writ petition and pending application are taken up for hearing.

CM APPL. 11892/2024 & W.P.(C) 13214/2022

2. Learned counsel for the Petitioner states that this Court has disposed of a batch of similar cases by a common judgment dated 02nd February, 2024. He emphasises that the judgment of the Delhi Cooperative Tribunal in the present matter is identical to the one that was challenged in the cases



disposed of on 2nd February, 2024. The order dated 02nd February, 2024 passed in a batch of writ petitions (in which the lead matter was ***Deepak Singh v. Registrar Cooperative Societies and Another W.P.(C) 10905/2023***) is reproduced hereinbelow:

“§~9 to 12

* ***IN THE HIGH COURT OF DELHI AT NEW DELHI***
+ ***W.P.(C) 10905/2023 and CM APPL. 42252/2023***
DIPAK SINGH Petitioner
Through: ***Ms. Shubhi Singh, Adv.***

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.

..... Respondents
Through: ***Mr. Prashant Manchanda,***
ASC with Ms. Nancy Shah
and Mr. Angad Singh, Adv.
for RCS
Mr. Rajeev Ranjan Pandey,
Advocate with Mr. Vijay
Kamra, General Secretary,
Jyoti CGHS, in person.

10

+ ***W.P.(C) 10981/2023 and CM APPL. 42551/2023***
JAGMOHAN GOEL Petitioner
Through: ***Ms. Shubhi Singh, Adv.***

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.

..... Respondents
Through: ***Mr. Satyakam, ASC with Mr.***
P. Kashyap, Adv. for RCS
Mr. Rajeev Ranjan Pandey,
Adv. with Ms. Kirti Yadav,
Adv. for R-2 with respondent
No.2 in person.

11

+ ***W.P.(C) 11616/2023 and CM APPL. 45308/2023***
ANITA KUMAR Petitioner
Through:



versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.

..... Respondents

Through: Mr. Udit Malik, ASC with
Mr. Vishal Chanda, Adv. for
RCS,
Mr. Rajeev Ranjan Pandey,
Adv. with Ms. Kirti Yadav,
Adv. for R-2 with respondent
No.2 in person.

12

+

W.P.(C) 11628/2023 and CM APPL. 45360/2023

T.M.G MENON

..... Petitioner

Through: Ms. Shubhi Singh, Adv

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.

..... Respondents

Through: Mr. Udit Malik, ASC with
Mr. Vishal Chanda, Adv. for
RCS
Mr. Rajeev Ranjan Pandey,
Adv. with Ms. Kirti Yadav,
Adv. for R-2 with respondent
No. 2 in person.

%

Date of Decision: 2nd February, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMOHAN, ACJ: (ORAL)

1. The issue arising for consideration in the aforesaid writ petitions is common as it pertains to a common judgment dated 29th September, 2021 passed by the Delhi Co-operative Tribunal ('Tribunal').

2. Each of the Petitioner(s) herein is a regular member of Respondent No. 2, i.e., Jyoti CGHS Ltd. and have in their favour respective award(s) passed by the respective Arbitrator(s) appointed under Delhi Co-operative Societies Act, 2003. The Arbitrator issued unequivocal directions which



have been summarised by the Tribunal in its common judgment dated 29th September, 2021. In this regard, the relevant portion of the common judgment dated 29th September, 2021 reads as under:

“9. After thorough hearings, all the Arbitrators separately held as follows:-

(a) The society is held entitled to:-

(i) remaining costs of the flats after taking into account the amounts paid by the earlier members whose resignation had caused the vacancies against which the respondents were enrolled.

(ii) interest @ 10% per annum. In three of the awards the interest has been made payable from the date the respondent was given possession while in two awards, the Arbitrator has asked the society to issue fresh demand notices reflecting the correct amount towards the remaining cost and interest @ 10% per annum to be paid if there is a delay in making payments after service of such fresh demand notice.

(b) All the Arbitrators have also allowed maintenance charges to be paid by the respondents from the date of the possession of the flats.

(c) The claim of the society for equalization charges has been declined by all the Arbitrators.

(d) All the Arbitrators have held that the delay in making payments upto the date of possession is not attributable to the respondents and therefore, no interest is to be paid by them till that date.”

3. The Tribunal by its common judgment dated 29th September, 2021 upheld each of the award(s) and dismissed the appeal filed by Respondent No. 2- Society.

4. The Petitioner(s) herein have tendered the amounts due to the Respondent No. 2-Society in terms of the respective arbitral award(s), however, the Respondent No. 2- Society declined to accept the said cheques. In these circumstances, the Petitioner(s) have filed the present writ petitions seeking a direction to the Respondent No. 2- Society to accept the cheques and issue a No Dues as well as a No Objection Certificate.

5. Learned counsel for the Petitioner(s) states that the Petitioner in W.P.(C) 11616/2023 has made payment of a sum of Rs. 3,14,960/- on 31st March, 2023 by way of RTGS. She states that, however, the dues of the remaining Petitioner(s) are outstanding and they remain ready and willing to pay the said dues. She states that cheques for the amounts due under the respective arbitral award(s) will be remitted within one (01) week.

6. After some arguments, Mr. Vijay Kamra, the General Secretary of Respondent No. 2- Society is present in Court and undertakes to the Court that the payments offered by the Petitioner(s) will be accepted and a No Dues and a No Objection Certificate will be issued within one (01) week of the receipt of the amount. He undertakes to the Court that the directions contained in the award(s) as upheld by the Tribunal will be accepted and be complied with.

7. We are of the considered opinion that the Respondent No. 2- Society cannot obstruct the implementation of the arbitral award(s) and as upheld by the Tribunal in its common judgment dated 29th September,



2021. The Respondent No. 2- Society is bound to give effect to the directions contained in the arbitral award(s) which have admittedly become final and binding. The undertaking given by the Respondent No. 2- Society is accepted by this Court and it is held bound by the same. The Respondent No. 2- Society is directed to issue a No Dues and a No Objection Certificate in favour of each of the Petitioner(s) in accordance with the undertaking given to the Court.

8. With the aforesaid directions, the aforesaid petitions are allowed and applications stand disposed of.

9. List for compliance on 11th March, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 2, 2024/msh/MG"

3. Learned counsel for the Respondent-Cooperative Society on instructions of Mr. Vijay Kamra, General Secretary of the Respondent No. 2 states that if the Petitioner tenders payment of ₹ 6,61,187/-, the Respondent No.2 has no objection to the present petition being disposed of in accordance with order dated 02nd February, 2024.

4. Learned counsel for the Petitioner has handed over a Cheque for the aforesaid amount bearing no. 312690 dated 04th March, 2024 in favour of Respondent No.2, Jyoti Cooperative Group Housing Society Ltd. The photocopy of the cheque is taken on record.

5. In view of the aforesaid, the present writ petition and application are disposed of in accordance with Judgment dated 02nd February, 2024.

6. List for compliance on 11th March, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 4, 2024/hp