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

+ W.P.(C) 8883/2024 & C.M.Nos.36130-36131/2024

SHYAM PAL SINGH

..... Petitioner

Through Mr.Vimalendu Sharma with
Mr.G.L.Verma, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through Mr.Udit Malik, ASC with Mr.Vishal
Chanda, Advocate for R-1 & 2.
Mr.Surender Kaushik, Advocate for
R-3 (Through VC).

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **02.07.2024**

1. Present writ petition has been filed challenging the orders dated 14th September, 2023 and 24th May, 2024 passed by the respondent no.1/Financial Commissioner in Revision No.213/2023 as well as a direction to respondent no.2/Registrar Co-operative Societies (RCS) to restore the Ad-hoc Committee.

2. Vide order dated 14th September, 2023, the Respondent No.1/Financial Commissioner directed that no coercive action shall be taken against the Secretary and other members of the Managing Committee. On 24th May, 2024, the Managing Committee was allowed to operate bank account of the society for running the routine affairs of the society.



3. Learned counsel for the petitioner states that a unanimous 'No Confidence Motion' against the Managing Committee was passed in the Special General Body Meeting held on 27th August, 2023. He further states that an Ad-hoc Committee was appointed to look after the affairs of the society. He points out that vide order dated 01st September, 2023, the Registrar of Cooperative Society directed the respondent no.3 to handover the charge of the society to the Ad-hoc Committee.

4. He states that the impugned orders have been passed in violation of principles of natural justice as the Ad-hoc Committee was not given an opportunity of hearing by respondent No. 1/ Financial Commissioner. He further states that the respondent no.1 did not consider the written submission filed by the Ad-hoc Committee. He contends that the respondent no.1 has failed to consider that a 'No Confidence Motion' had been passed unanimously and an executive order cannot negate a 'No Confidence Motion'.

5. *Per contra*, learned counsel for respondent no.3 states that the petitioner had been heard in length by the Financial Commissioner on 24th May, 2024. He states that the impugned order had been passed after hearing the petitioner.

6. However, a perusal of the paper book and the impugned order dated 24th May, 2024 does not reveal that the petitioner was heard before passing the said impugned order.

7. Consequently, the present writ petition along with the applications is disposed of with a direction to the respondent no.1/Financial Commissioner to implead the petitioner as a respondent and to decide the matter in accordance with law within two months from the next date of hearing i.e.



18th July, 2024. The petitioner is permitted to file additional documents before the Financial Commissioner, if he so wishes, within a week. This Court clarifies that it has not commented on the merit of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 2, 2024
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