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

+ W.P.(C) 14426/2024 & C.M.No.60458/2024

SANJEEV KUMAR KANSAL

.....Petitioner

Through: Mr.Vasdev Lalwani with Mr.Mukul
Gautam and Mr.Mohit Gautam,
Advocates.

versus

**THE REGISTRAR CO-OPERATIVE SOCIETIES GOVERNMENT
NCT OF DELHI & ANR.**

.....Respondents

Through: Mr.Santosh Kumar Tripathi, SC
(Civil) GNCTD with Mr.Rishabh
Srivastava, Mr.Kartik Sharma and
Mr.Utkarsh Singh, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **15.10.2024**

1. Present petition has been filed seeking directions to the respondents to comply with the Arbitration Award dated 27th October, 2014 passed by the learned Arbitrator in Arbitration Case No.2663/DR/ARB/2004-05. The petitioner further seeks directions to the respondent no.2 to include the name of the petitioner in the list of eligible members of the society entitled for allotment of flats as and when the draw of lots for allotment is held.
2. The learned Arbitrator had observed that the issue with regard to the membership of the petitioner revolves around a report submitted by the society allegedly containing the signature of resignation of the petitioner and the same was disputed by the petitioner. In regard to the same, the learned Arbitrator had *vide* award dated 27th October, 2014 directed the respondent-Registrar, Co-operative Societies (RCS) to engage a handwriting expert of a



government laboratory to verify the signature of the petitioner, post which the matter would stand automatically decided. The learned Arbitrator had also stated that the process should be completed within three months, i.e., by 31st January, 2015 failing which it would be presumed that the society is interested in retaining the membership of the petitioner.

3. Learned counsel for the petitioner states that despite more than nine years having lapsed, the RCS has failed to comply with the arbitration award. He further states that the petitioner has also filed an execution petition dated 05th January, 2023, however, no action has been taken with regard to the same.

4. After hearing learned counsel for the petitioner and from a perusal of the record, it appears that the petitioner had repeatedly intimated the RCS to comply with the award dated 27th October, 2014 including by filing an execution proceeding for the same. However, the execution proceeding has not been decided till date.

5. Consequently, this Court disposes of the present writ petition along with the application with a direction to the Recovery Officer, Co-operative Societies to decide the petitioner's application under Section 105(b) of the Delhi Co-operative Societies Act, 2003 read with Section 61 of the Delhi Co-operative Societies Act, 1972, in accordance with law within twelve weeks. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 15, 2024/KA