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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16195/2024 & CM APPL. 68079/2024, CM APPL.**
68080/2024
VIKRAM NAGAR C-OP GROUP HOUSING SOCIETY LTD

.....Petitioner
Through: Mr. Anil K. Khaware and Mr.
Yogendra Kumar, Advs.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES & ORS.
.....Respondent
Through: Ms. Mehak Nakra, ASC, GNCTD
with Mr. Aditya Goyal, Advs. for R-
1.
Mr. Sandeep Kumar, Adv. for R-3.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
22.11.2024

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1. Present writ petition has been filed challenging the order dated 07th October, 2024, passed by the respondent no. 1/Registrar of Co-Operative Societies (RCS), whereby a fine of Rs. 15,000/- per year from 2020-21 to 2022-23 was imposed against the petitioner society for its failure to conduct audit within the stipulated time frame. The petitioner has also challenged the order dated 16th October, 2024, passed by RCS, whereby an Observer was appointed for handing over charge from the erstwhile managing



committee/respondent no. 3 to the present managing committee.

2. Learned counsel for the petitioner society states that the present Management Committee has been in office since 03rd December, 2023 only. He states that despite several letters and reminders, respondent no. 3 failed to hand over records of the society to the present managing committee. He states that instead of handing over the records of the society, the respondent no. 3 issued a letter dated 04th October, 2024 to the RCS, contents of which are not known to the petitioner. He alleges that the letter dated 04th October, 2024 was issued to cover-up the fact that no audit was conducted from 2020-21 to 2022-23 by the erstwhile managing committee.

3. He states that impugned order dated 07th October, 2024 was passed pursuant to the letter dated 04th October, 2024 issued by respondent no. 3. He states that the petitioner society was not heard before the impugned order was passed. He states that the impugned order dated 16th December, 2024 appointing observer was also passed without issuing notice to or hearing the petitioner.

4. He states that when the documents were finally handed over on 18th October, 2024, the same were incomplete as relevant statutory records were not provided.

5. *Per contra*, learned counsel for respondent No.3 states that the present writ petition is not maintainable as the petitioner has an alternative effective remedy of filing a revision petition under Section 116 of the Delhi Cooperative Societies Act.

6. Having heard learned counsel for the parties, this Court disposes of the present writ petition by directing the Registrar Cooperative Societies to treat the present petition as a representation and decide the same by way of a



reasoned order in accordance with law as expeditiously as possible.

7. In the event, the petitioner is aggrieved by the order passed by the Registrar Cooperative Societies, the petitioner shall be at liberty to file appropriate proceedings in accordance with law. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 22, 2024

N.Khanna