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

\+ W.P.(C) 7951/2017, CM APPL. 32812/2017 & CM APPL. 45406/2024

SHRI SUBROTO BANERJEE .....Petitioner

Through: Mr. Ashok, Advocate

versus

THE REGISTRAR CO-OPERATIVE SOCIETIES & ORS .....Respondents

Through: Ms. Shobana Takiar, Advocate for R-3

Mr. Faiyaz Kasan and Mr. Balraj Thakur, Advocates for R-4

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

ORDER

% **27.11.2024**

1. Learned counsel for the parties have drawn this Court's attention to the letter dated 12th June, 2024 written by the Mayur Bagh Cooperative Group Housing Society Ltd. to the petitioner. The said letter reads as under:-

"Mayur Bagh Co-operative Group Housing Society Ltd.
A-6, Paschim Vihar, New Delhi-110063

June 12, 2024

To,
Sh. Suborto Banerjee,
Flat No 4,
Mayur Bagh CGHS Ltd.,
A-6, Paschim Vihar,
New Delhi-110063,

Sub: ***DCHFC Loan Outstanding against your Flat No 4 in Mayur Bagh CGHS Ltd.***
Mr. Banerjee,
As you are aware that Society has received the Notice from DCHFC regarding the

outstanding amount towards the loan which is INR 1,00,25,419 (Indian Rupees One Crore Twenty Five Thousand Four Hundred Nineteen only) as of 01-11-2023 and also interest is being levied @ 15.5% p.a. (compounding quarterly) (including 2.5% penal interest), so the amount is increasing day by day. In the interest of the Society and Residents, it is of the utmost importance to trace the members/residents against whom the Loan is pending and recover the amount from respective member/resident and clear off DCHFC dues.

To trace the members as mentioned above, Management Committee has prepared the Individual accounts (DCHFC Loan account) for all the Loanee members who were in default based on the Audited statement of FY 1999-2000 and individual audited statements audited by M/s Gupta Kumar and Company, Chartered Accountants. Also these statements have been checked and verified by a Chartered Accountant.

While preparing the statement for every member, payments made to DCHFC has been taken into account from 2004 onwards.

Please be advised that as per the statement prepared, checked and verified, there is NIL/- amount outstanding against your Flat. Break-up of the amount is as below :

EMI in Arrear	***-***	***INR 0.00***
Interest including Penal Interest	***-***	***INR 0.00***
TOTAL	***-***	***INR 0.00***

Please note that any settlement of Loan done by any Management Committee for any member has not been considered while preparing the loan statement. Loan settlement can be done by DCHFC only as the Loan was given by DCHFC and is repayable to DCHFC.
In case of any doubt/clarification, please contact the Management Committee with in 07 (seven) days from the receipt of this notice.

This will be communicated to the DCHFC and Registrar of Co-operative Societies.
Request your kind co-operation in this regard !!!

Thanking You
*For **Mayur Bagh CGHS Ltd.***
Usha Singh *Sangeeta Tanwar*
President *Secretary*

*Cc- **Delhi Co-operative Housing Finance Corporation Limited***
Siri Fort Institutional Area, August Kranti Marg,
New Delhi-110046
*Cc- **The Registrar,***
Office of the Registrar Co-operative Societies,
Parliament Street,
New Delhi-110001"

(Emphasis supplied)

2. In view of the aforesaid letter, wherein the Cooperative Society has admitted that no amount is due and payable by the petitioner, the present writ petition is disposed of.

3. It is clarified that Delhi Co-operative Housing Finance Corporation Ltd. is at liberty to pursue its proceedings against respondent no.4 in accordance with law.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 27, 2024/ms