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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 976/2018 & CM APPL. 45193/2019, CM APPL. 47566-47567/2019, CM APPL. 47572/2019**

ELIAMMA SEBASTIAN Petitioner
Through: Petitioner in person
versus

MINISTRY OF HOME AFFAIRS & ORS. Respondents
Through: Ms. Anju Gupta, Mr. Bhuvan Goel,
Advocates for R-1/UOI
(M:9654169406)
Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Siddhant Dutt, Advocate for
R-3 (M:9891363718)
Ms. Sonia Saini, Mr. Sushil Lohia,
Advocates for R-10 (M:9899479255)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
05.01.2024

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1. Present contempt petition has been filed stating that there has not been full compliance of the order dated 18th May, 2018 passed by Division Bench of this Court in *W.P.(C) 6532/2013*. The order dated 18th May, 2018 passed by the Division Bench reads as under:

“We have heard the petitioner who appears in person as well as counsel for the respondents.

Counsel for Government of NCT of Delhi submits that the list of information which had to be given by the Society vide letter dated 01.09.2017 was given to it but as of now there has been no response. The Registrar of Co-operative Societies is directed to use his powers under the Act and ensure that the information is collected and furnished to the petitioner. If necessary, the coercive powers under the



Act to inspect and pass appropriate penalty orders as well can be resorted to. The entire process shall be completed within eight weeks and the order shall be made available directly to the petitioner. The Registrar shall also while passing orders, grant such relief under the Act in respect of the claim for such monetary relief as the petitioner may be entitled to, having regard to penalty provided for under Section 139 of the Co-operative Societies Act, 2003.

The applications are disposed of in the above terms.

Order dasti.”

2. The petitioner who appears in person submits that the initial proceeding that had been filed by her was with respect to the fact that complete documents had not been provided to her. However, today learned counsel for respondent-Sangha Mitra Society submits that he has provided all the concerned documents to the petitioner on earlier occasions and that he is carrying a full set of the documents today also.
3. However, petitioner in person submits that she does not wish to take any further documents from the respondent. She submits that she has already received the requisite documents from the respondent. She further submits that she is only pressing for damages, which ought to be paid to her on account of delay by respondents in providing the requisite documents to her.
4. Pursuant to the directions passed by the Division Bench, the Office of Registrar, Cooperative Societies passed an order dated 19th July, 2019, by which it has been held that the provisions of the Delhi Co-operative Societies Act, 2003 under Section 139 r/w Rule 165(8) of Delhi Co-operative Societies Rules, 2007 provided for imposition of maximum penalty of Rs. 10,000/-. The said Provisions further provide for deposit of the penalty imposed by the Registrar of Co-operative Societies with the Cooperative Educational Fund, maintained by the Registrar of Co-operative



Society. Thus, the Deputy Registrar –I, Appellate Authority by his order dated 19th July, 2019 imposed a penalty of Rs. 10,000/- upon the respondent-Sangha Mitra Society, which was directed to be deposited in the Cooperative Educational Fund maintained by Registrar of Cooperative Society. It is the case on behalf of the Sangha Mitra Society that said amount in question stands deposited with the Cooperative Educational Fund.

5. At this stage, Mr. Anuj Aggarwal, learned Additional Standing Counsel appearing for Registrar of Cooperative Societies submits that he will have to confirm as to whether the aforesaid amount of Rs. 10,000/- has been deposited by the Sangha Mitra Society/ its Office bearers, as per the submission made on behalf of learned counsel for the Sangha Mitra Society. He further submits that upon verification of the said fact, the penalty of Rs.10,000/- deposited with the Cooperative Educational Fund maintained by the Registrar of Cooperative Societies, shall be released to the petitioner.

6. Petitioner in person undertakes to provide her bank account no. maintained by her in UCO Bank, Delhi High Court branch to Mr. Anuj Aggarwal, learned Additional Standing Counsel, Delhi Government.

7. At this stage, petitioner in person submits that she had filed 46 RTI applications qua which there are violations by the respondent society, in that the documents requested by way of the said RTI applications were either not supplied or were supplied very belatedly. Thus, she submits that she ought to be granted compensation for the same as well. She submits that since the Registrar of Cooperative Societies has imposed a penalty of Rs. 10,000/- in the present case, by that standard she ought to be granted compensation @ Rs. 10,000/- per RTI application. Therefore, she claims that she is entitled to compensation of Rs. 4,60,000/-.



8. However, the aforesaid contention raised on behalf of Petitioner is not borne out from the records. This court further notes that there is no such direction by the Division Bench in *W.P.(C) 6532/2013* with regard to payment of penalty to the Petitioner with respect to each of the RTI applications filed by her.

9. In view of the aforesaid, the petitioner is granted liberty to seek clarification from the Division Bench of this Court in *W.P.(C) 6532/2013* with respect to her claim of further monetary relief.

10. The petitioner in person further submits that Sangha Mitra Society has also issued demand letters to the petitioner. However, any such letters issued by the Sangha Mitra Society cannot be the subject matter of adjudication in the present proceedings.

11. Therefore, there are no further orders that are required to be passed by this Court in the present proceedings.

12. With the aforesaid directions, the present contempt petition is disposed of along with pending applications.

MINI PUSHKARNA, J

JANUARY 5, 2024

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