



\$~12

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

+ **W.P.(C) 255/2025**

RAJ PARKASH GUPTA

.....Petitioner

Through: Mr Sriharsha Peechara, Mr Kustubh Singh, Mr S.P. Mukherji and Mr D.S. Bhanu, Advocates.

versus

**REGISTRAR OF COOPERATIVE SOCIETIES
& ANR.**

.....Respondents

Through: Mr Abhinav Sharma, Ms Ausi Malik and Ms Aakriti Jain, Advocates for R-1.
Mr Ravindrakanth, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

17.02.2025

%

1. The petitioner claims to be an owner of residential flat (being Flat No. 62, Vidyasagar Apartments, Rajat Jain CGHS Limited, Plot No. 34, Sector 6, Dwarka, Delhi-110075).
2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no. 1 (hereafter *RCS*) to conduct an enquiry into the allegations levelled against the Managing Committee of Rajat Jain Cooperative Group Housing Society (respondent no. 2).
3. A plain reading of the letter dated 03.10.2024 indicates that the petitioner had raised several issues in connection with the notice issued by respondent no. 2 for holding a Special General Body Meeting on 27.03.2023 and 22.09.2024. The petitioner had also complained that elections for constituting the Managing Committee have not been held for the past two



years.

4. An affidavit has been filed on behalf of the RCS, whereby it is affirmed that the RCS had received the petitioner's complaint and thereafter, issued a show cause notice to the Managing Committee of respondent no. 2 society, calling upon them to show cause why action should not be taken under Section 31(2) of the Delhi Co-operative Societies Act, 2003 (hereafter *the DCS Act*). Additionally, it is stated that a response was received from the Management Committee, which was found to be unsatisfactory. Thereafter, the RCS initiated the process of inspection under Section 61 of the DCS Act and states that an appropriate decision would be taken as per the provisions of the DCS Act. Paragraph No. 6, 7 and 8 of the counter affidavit filed on behalf of the RCS are set out below:

- “6. That the Respondent No. 1 vide letter dated 24.10.2024 had forwarded the complaint dated 03.10.2024 to the Management Committee of the Respondent No. 2 society to provide its response to the letter dated 03.10.2024. The copy of the letter dated 24.10.2024 is annexed herewith as **Annexure R-1**. The Management Committee of the Respondent No. 2 society vide letters dated 15.11.2024 and 28.11.2024 submitted its response which was not found to be satisfactory as regards not conducting the AGBM in the year 2023 and 2024 which was in gross violation of Section-31(1) of DCS Act. The copy of the responses dated 15.11.2024 and 28.11.2024 are annexed herewith as **Annexure R-2(Colly.)**.
7. Thus, the Respondent No. 1 issued a Show Cause Notice dated 02.01.2025 to the Management Committee of the Respondent No. 2 society directing them to show cause as to why action under section 31(2) of DCS Act be not taken against the delinquent Management Committee for not conducting the AGBM in the year 2023 and 2024,



within 15 days of receipt of the said Show Cause Notice dated failing A which, action will be initiated against the society. The Show Cause Notice dated 02.01.2025 is annexed herewith as **Annexure R-3**.

8. The Management Committee of the Respondent No. 2 society submitted its reply vide letter dated 17.01.2025. The copy of the reply dated 17.01.2025 is annexed herewith as **Annexure R-4**. It is stated that pursuant to receiving the reply from the Management Committee, the Respondent No. 1 has initiated the process for inspection under Section 61 of the DCS Act by giving opportunity to all the concerned to be appear on 21.02.2025 at 03:30 PM based on the complaint of the petitioner dated 03.01.2025. It is stated that appropriate decision will be taken by the Respondent No. 1 as per the provisions of DCS Act and the Rules Framed thereunder.”

5. In view of the above, the relief sought by the petitioner has been addressed as RCS has already initiated proceedings in respect of the complaint made by the petitioner.

6. No further orders are required to be passed in this petition. The petition is disposed of.

VIBHU BAKHRU, J

RAVINDER DUDEJA, J

FEBRUARY 17, 2025

RK

Click here to check corrigendum, if any