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

+ **W.P.(C) 1395/2025 CM APPL. 6766/2025**

SHIV PUJAN

.....Petitioner

Through: Mr. Jitender Kr. Singh and Ms. Anjali Kumari, Ms. Harshita Singh, Ms. Shivpriya, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Arun Birbal and Mr. Sanjay Singh, Advs. for DDA.
Mr. Anuj Agarwal, Mr. Siddhant Dutt, Mr. Yash Upadhyay, Advs. for GNCTD.
Mr. Manek Nakra, ASC for GNCTD with Ms. Bhavya Nakra, Aditya Goyal, Gunjan, Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

04.02.2025

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1. The petitioner has filed the present petition raising several reliefs. The petitioner's grievances are essentially three folds. First, he states that sewer and shaft pipe work had been executed costing ₹90 lakhs. However, no approval was taken from the General Body constituted of all members. Second, he submits that the president and other members of the Managing Committee of Prabha CGHS Ltd. (hereafter *the respondent society*) have



raised unauthorized construction in their respective residential units and the same are required to be demolished. Third, it is stated that a demand has been raised for contribution of liaisoning charges for obtaining Completion Certificate which is wholly illegal. Lastly, it is stated that there are several irregularities committed by the management of the respondent society.

2. The petitioner claims that he has also made complaints to the Registrar of Cooperative Societies (hereafter the *RCS*), however, no action has been taken on his complaints. Additionally, it is stated that proceedings have been commenced against the petitioner under Section 86(1)(c) of the Delhi Cooperative Societies Act, 2003. However, the same are wholly unjustified and are required to be quashed.

3. The petitioner had prior to filing the present petition filed a writ petition being Writ Petition (C) No.595/2024, captioned ***Shiv Pujan v. Government of NCT of Delhi & Ors.***, which was disposed of by this Court by an order dated 16.01.2024. By way of the said writ petition, the petitioner had raised the issue of unauthorised construction in the residential flats of the society and also prayed that issue directions for dissolving the current Management Committee of the respondent society. We consider it apposite to refer to the said order which is reproduced below:-

“Present writ petition has been filed seeking directions to the Respondents to remove the illegal and unauthorized constructions in the residential flats of the Prabha Cooperative Group Housing Society Ltd. (the "Society"). The Petitioner further prays for issuance of directions to dissolve the current management committee and for appointment of an independent administrator to conduct enquiry with respect to illegal and malafide actions of the management committee including manipulation of the structural audit report.



2. Learned counsel for the Petitioner states that certain office bearers of the Society have carried out illegal and unauthorized construction in their respective flats, which is in violation of building bye-laws such as changing the structure of the flats and subsequently covering more area than the allotted area. He further states that the newly elected members of management committee of the Society i.e. Respondent Nos.5 to 7 have used funds belonging to the Society for carrying out aforesaid construction/renovation work in their respective flats. He also states that despite several complaints and representations in this regard, Respondent Nos. 2 & 3 have failed to take appropriate action.
 3. A perusal of the paper book reveals that pursuant to the Petitioner's complaint with the Registrar of Co-operative Societies regarding irregularities committed by the management Committee of the Society, a show cause notice dated 15th December, 2023 has been issued under Section 61 of the Delhi Cooperative Society Act, 2003 inviting all concerned persons to appear before the Special Registrar Cooperatives Societies. This Court is informed that the next date of hearing in the said proceeding is 23rd January, 2024 at 04:00 PM.
 4. This Court also finds that the subsequent to the Petitioner's complaint with regard to unauthorised construction, DDA after conducting an inspection has issued notice dated 26th September, 2023.
 5. Keeping in view the aforesaid facts, this Court is not inclined to interfere at this stage; however, both DDA and the Registrar of the Cooperative Society are directed to conclude the proceedings in accordance with law as expeditiously as possible. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.”
4. The petitioner contends that the said order has not been complied with.



5. It is seen that the petitioner's grievance regarding unauthorized construction and irregularities in managing the society were raised in the earlier petition and this Court had disposed of the said writ petition by directing the DDA and RCS to conclude the proceedings as initiated by the petitioner. The said proceedings have not been concluded; therefore, the petitioner prays that an order be passed directing the DDA and the RCS to conclude the same.

6. Mr. Birbal, the learned counsel appearing for the DDA, submits that inspection in respect of the unauthorized construction was carried out and it was found that unauthorized construction was raised in some of the residential flats. He states that thereafter the society has filed an application for regularizing the said construction by utilizing the remaining FAR and the said issue is being considered by the DDA.

7. The learned counsel appearing for the RCS submits that the proceedings initiated by the petitioner would be concluded within a period of eight weeks from today.

8. We have some reservations as to how an unauthorized construction in select flats can be regularized by utilization of the additional FAR as may be available to the society at large. Clearly any benefit in unutilized FAR would be required to be made available to all members of the society and not to select members. However, we do not consider it apposite to examine this issue in any further details as DDA is currently examining the same.

9. Insofar as the petitioner's grievance regarding initiation of proceedings for expulsion from the membership of the respondent society and additional charges claimed on account of contribution of liaison fee and sewer and pipe work is concerned, we do not consider it apposite to



entertain the said complaint in this petition. However, the petitioner would be at liberty to raise his grievance before the RCS as the said issue relates to the management of the respondent society. Needless to state that RCS is required to consider the same in accordance with law.

10. We also bind the RCS to a statement made on his behalf that the proceedings initiated would be concluded within a period of eight weeks from today.

11. The petition is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 04, 2025
dr

Click here to check corrigendum, if any