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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1593/2025 & CM APPL. 7775/2025**

RAVINDRA KUMAR HAJELA & ANR.Petitioners

Through: Mr G L Verma, Advocate.

versus

RCS & ANR.Respondents

Through: Mr.Rajeev Aggarwal, ASC and
Mr.Mayank Kamra, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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10.02.2025

1. The petitioners had filed the present petition, *inter alia*, impugning an award dated 13.01.2025 passed by the learned arbitrator under Section 71 of the Delhi Cooperative Societies Act, 2003 (hereafter *the DCS Act*).
2. The petitioners had filed a claim before the learned arbitrator, *inter alia*, praying as under:-

“A. The un-opposed election declared by Returning Officer fraudulently on 03.09.2023 be declared as null and void.

B. Directions be issued for paving way for fresh election in democratic manner in time bound manner.

C. Directions be issued for finalizing and publishing Voters List of the members duly incorporating the name of Claimant No.1 in the said list.

D. The managing Committee be directed not to take any major policy decision, except routine maintenance, till the present claim petition is decided.

E. The present managing committee be directed to place on entire record pertaining to fraudulent issue of Defaulters list depriving all 66 members from their right of casting vote.”



3. The petitioners contended that petitioner no.1, who was claimant no.1 in the claim petition, is a *bonafide* member of Navbharat Times CGHS Limited (hereafter *the NBT Society*) and a resident of flat bearing No. A-32, Navbharat Times Apartments, Mayur Vihar Phase-I, New Delhi. Petitioner no.1 was not permitted to cast a vote in the elections of the office bearer of the NBT Society. The petitioners also claimed that the returning officer had erroneously declared all the sixty-six members of the society as defaulters on the basis of certain alleged dues, which had not been paid.

4. The contesting respondents had contested the claim statement on various grounds including certain preliminary objections. One of the preliminary objections was that petitioner no.1 – who was aggrieved on account of not being allowed to cast his vote – had ceased to be a member of the society under Section 41(1)(c) of the DSC Act. It is stated that petitioner no.1 had executed a gift deed, general power of attorney (GPA) and had also handed over the possession of the flat in question to his son. The learned arbitrator had sustained the said preliminary objection.

5. The learned arbitrator found that petitioner no.1 had executed a GPA dated 30.08.2015; possession letter; and a gift deed in favour of petitioner no.2. The execution of the said documents was not disputed or denied.

6. The learned arbitrator also noted that in terms of the aforesaid GPA, petitioner no.2 is also empowered to sell or lease the flat in question (flat No. A-32 Navbharat Times Apartments). The possession letter also indicates that the possession of the said was handed over to petitioner no.2.

7. The learned counsel for the petitioners submits that the said findings are *ex facie* erroneous and obfuscate the issues raised by the petitioners. He submits that petitioner no.2 also owned an independent flat bearing No. A-



36 Navbharat Times Apartments and, therefore, could sustain the claim filed on account of his being an owner of the said flat (Flat No. A-36, Navbharat Times Apartments, Mayur Vihar Phase-I, New Delhi).

8. *Prima facie*, we find that no such assertion has been made in the claim petition filed under Section 70 of the DCS Act. The pleadings in the said claim petition are clearly confined to the grievance of petitioner no.1 (claimant no.1). The petition also indicates that the petitioners had premised their grievance in the arbitral proceedings on the basis that petitioner no.1 is a *bonafide* member /resident of NBT Society. There are no pleadings to the effect that petitioner no.2 is also a member of the NBT Society and the owner of flat (Flat No. A-36, Navbharat Times Apartments, Mayur Vihar Phase-I, New Delhi).

9. We do not consider it apposite to entertain the present petition. As undisputedly, the petitioners have an alternative remedy of filing an application under Section 112 of the DCS Act.

10. The petition is, accordingly, disposed of. Pending application is also disposed of.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 10, 2025

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Click here to check corrigendum, if any