



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2687/2025 & CM APPL. 12814/2025**
BHARTI COOPERATIVE THRIFT AND
CREDIT SOCIETY LTD.

.....Petitioner

Through: Mr Rajiv Vig, Advocate.

versus

REGISTRAR COOP. SOCIETIES, DELHI & ORS.

.....Respondents

Through: Mr Anubhav Gupta, Advocate for R1
and R2.

Mr Praveen Kumar Singh, Mr C
Sanal Nambiar and Ms Chetna Singh,
Advocates for R3/DDO-MCD.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

04.03.2025

%

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“i. Issue appropriate writ / direction / order in the nature of Mandamus directing the respondent No.1 and 2 to exercise their powers of Collector u/s 105 (a) read with Section 111 of the DCS Act, 2003 for recovery of loan dues, under execution of money award dt.16.09.2017 passed in Arb. Case No.302/AR/ARB/2017-18, as arrears of land revenue by arrest and detention of respondent No.4 and attachment and sale of movable and immovable properties including bank and salary accounts of the respondent No.4 and his sureties; and



ii. Issue of appropriate writ/direction / order in the nature of Mandamus directing the respondent No.3/ the DDO for strict compliance of the directions / orders of the respondent No.2 and the mandate of Section 52 of the DCS Act, 2003 for timely and regular deduction from the salary of the respondent No.4 and his sureties the sufficient amount towards the full and final discharge of the loan liability of the respondent No.4 qua the petitioner society; and

iii. In case, respondent No.3 does not comply with the directions/orders as mentioned in clause (i), then the requisite Writ/directions/orders in the nature of Mandamus may be issued to respondent No.1 and 2 to take all necessary steps for recovery of the loan dues of the respondent No.4 the respondent No.3 / the DDO as arrears of land revenue as per Section 52(4) of the DCS Act, 2003 by arrest and detention of respondent No.3 and attachment and sale of movable and immovable properties of the respondent No.3; and

iv. Issue appropriate writ / direction / order in the nature of Mandamus directing the respondent No.2 to take all effective steps for complete implementation and execution of its orders / directions against the respondents No.3 and 4; and

v. Issue appropriate writ / direction / order in the nature of Mandamus directing the respondent No.3 to initiate disciplinary action against the respondent No.4 for his aforesaid malafide and illegal action; and”

2. The petitioner is a Cooperative Thrift and Credit Society under the provisions of the Delhi Cooperative Societies Act, 2003 (hereafter *the DCS*



Act). The petitioner states that respondent no.4 is its constituent member and had availed a loan of ₹1,30,000/- on 13.06.2016. Respondent no.4 had defaulted in repayment of the loan and failed to fulfil its obligations.

3. In view of the default committed by respondent no.4, the petitioner society instituted proceedings under Section 70 of the DCS Act, which culminated in the Award dated 16.09.2017. In terms of the Award, the petitioner society was awarded a sum of ₹1,55,413/-.

4. Thereafter, the petitioner filed the execution proceedings under Section 105(A) of the DCS Act against respondent no.3 as well as the persons who had stood sureties to secure his repayment obligation, for enforcement of the above-mentioned Award.

5. It is the case of the petitioner that despite pursuing respondent no.1/Registrar of Cooperative Societies (hereafter *the RCS*), the Award has not been executed, as yet.

6. The learned counsel appearing for the RCS submits that it had taken necessary steps for recovery of the amounts by issuing an attachment order attaching the salary of respondent no.4. Further, arrest warrants have also been issued.

7. The learned counsel appearing for respondent no.3 submits that the warrants of attachment have been erroneously issued to the Drawing and Disbursing Officer (DDO)/Principal. He submits that respondent no.4 is now an employee of Government of NCT of Delhi and serving at Sarvodaya Vidyalaya. Therefore, the RCS is required to issue separate attachment to the Government of NCT of Delhi or payor authority to attach the salary of respondent no.4.

8. The petitioner has highlighted an issue regarding the delay in



execution of an Award despite the RCS being clothed with extensive powers to do so.

9. In view of the above, the present petition is disposed of by directing the RCS to take immediate and expeditious steps as available in accordance with law for enforcement of the Award in question. The RCS shall also consider the submissions made on behalf of respondent no.3, as recorded above.

10. Pending application is also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 04, 2025

M

Click here to check corrigendum, if any