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

+ **W.P.(C) 4296/2023 & CM APPL. 16578/2023**

**SHEKHAR CO-OPERATIVE GROUP
HOUSING SOCIETY**

.....Petitioner

Through: Mr. Vardhman Kaushik and Mr.
Mayank Sharma, Advocates.

versus

**REGISTRAR CO OPERATIVE SOCIETIES
& ANR.**

.....Respondents

Through: Mr. Tushar Sannu, Advocate for R-1.
Mr. Prag Chawala and Mr. Nitesh
Kumar, Advocates for R-3 along with
R-3 in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **28.04.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Shekhar Co-Operative Group Housing Society (hereinafter 'Society') under Article 226 of the Constitution of India *inter alia* seeking direction to the Respondent No.1-Registrar Co-operative Societies (hereinafter 'RCS') to recover the record of the Lift Committee exercising its power under Section 38(l)(c) Delhi Cooperative Society's Act and provide it to the Petitioner to enable it to conduct its audit.
3. Brief background is that Petitioner-Society was registered in the year 1979. In 1998, the Managing Committee of the Society decided to constitute a sub-committee (Lift Committee) to manage the lift maintenance, generator and diesel purchase *etc.*, However, in 2011 due to the disputes that arose

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between the Managing Committee and Lift Committee, latter had declared itself as an independent committee and stopped abiding by the regulation/instructions of the Managing Committee. Further it is also stated that the Lift Committee had refused to provide its records to the Managing Committee thereby disabling the latter from conducting its audits since the year 2013. Various litigations were pursued in this regard before different forums including RCS and this Court. It is under these circumstances that the present petition has been filed.

4. Today, the Court is informed that a new Managing Committee has been elected and Mr. Ashok Yadav and Mr. Santosh Kumar have been elected as the Secretary and President respectively. Mr. Tushar Sannu, Id. Counsel appearing for the Respondent No.1- Registrar Co-operative Societies has placed on record a letter signed by the said Managing Committee. This letter is signed by the new President, Mr. Santosh Kumar and the Secretary, Mr. Ashok Yadav, the said letter reads as under:

*“To.
Suman Kumari
Assistant Registrar,
O/o Registrar Cooperative Societies Room no-24, Sector-7,
Parliament Street New Delhi-110001*

Respected Madam,

*Subject W.P. (C)4296 of 2023 titled Shekhar CGHS Ltd vs RCS
and others*

The elections to the Management Committee of Shekhar CGHS Ltd were held on 16.03.2025, the results were declared in the GBM to members present on the same day, a copy of election results is enclosed as Enclosure. Subsequently, newly elected Management Committee in its meeting held on 22.03.2025

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elected Mr Ashok Yadav as Secretary.

The said petition was filed by the outgoing Management Committee, who is yet to handover the charge, including financial charge, to new Management Committee despite several reminders, even after more than 40 days of declaration of results

In the meanwhile, we have had discussions with Lift Committee who have assured us to provide necessary records for completion of audits, in addition to records already delivered to Outgoing Management Committee earlier, and accordingly we have requested RCS office for appointment of Auditors vide our letter dated 17.04.2025

The new Management Committee elected on 16.03.2025 has decided not to pursue the captioned writ petition challenging the order of imposition of penalty as we want to complete the audit of accounts of all the pending years, on receipt of financial charge from Outgoing Management Committee, and submit the same to RCS offices as per rules and regulations

Yours sincerely”

5. In view of the above communication, which has been placed on record by the Registrar Co-operative Societies, the petition is dismissed as withdrawn. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

APRIL 28, 2025/MR/Ar.

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