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

+ **W.P. (C) 3379/2025**

SUBHASH CHANDER GUPTA

.....Petitioner

Through: Mr. Subhash Chander Gupta,
Petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Sameer Vashisht, ASC, GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **19.03.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Sh. Subhash Chander Gupta under Article 226 of the Constitution of India seeking issuance of an appropriate writ quash the orders dated 19th September 2024 in Review Petition 302/2023 and order dated 11th August 2023 in Case No. 194 of 2022 passed by the Id. Court of Financial Commissioner, Delhi and direct the Financial Commissioner, Delhi to re-hear the said case.
3. The Petitioner is living at Plot no. 6, Flat No. BS-10, Sector-5, Dwarka, New Delhi in the Mother Dairy Employees Cooperative Group Housing Society (hereinafter 'Society').
4. The case of the Petitioner is that he has been living in the said society since July, 2019. The flat in the society was purchased by the Petitioner



from Mr. VasdevPapneja. The conveyance deed in respect thereof is placed before Registrar Cooperative Societies (hereinafter, 'RCS').

5. The grievance of the Petitioner is that till date he has not been given membership of the society despite repeated complaints. The Petitioner has also made certain allegations about the management of the society being illegally functioning.

6. Mr. Vashisht, Id. Counsel appearing for the RCS has drawn the attention of this Court to the order passed by the Special Registrar, RCS, Government of National Capital Territory of Delhi dated 22nd July, 2022 wherein the all the facts were gone into by the Registrar and the membership has in fact been given to the Petitioner subject to clearance of dues. The operative portion of the said order is as under:

*“The matter was heard at length from both the parties during the hearings. Both appellant and respondent represented their case and give their submission before the undersigned. Upon going through the records available in file and submissions made by both parties in writing as well as verbally during the hearings conducted before the undersigned, it is observed that the applicant raised other issues other than getting membership in the society against which appeal was filed U/s 91 of DCS Act. However, copy of registered sale deed has been provided by the appellant. **Hence, the society is directed to grant the membership to the appellant within 15 days after her clearance of dues to the society as laid down in DCS Act & Rules.**”*

The case is disposed of in the above terms.”

7. The Petitioner, at this juncture, has been put a question as to whether he has cleared the dues of the society to which he responds that the society cannot collect any money from the Petitioner as the said issue of payment of dues to the society has been challenged by him before the Consumer Court.



8. In addition it is submitted by the Petitioner appearing in person that the present management is also illegally managing the society.
9. These are issues which cannot be gone into in the present writ petition. The prayer in this writ petition is primarily for re-hearing the case and passing a speaking order which this Court does not think is required.
10. The order passed by the RCS dated 22nd July 2022 is clear that the Petitioner is entitled to membership of the society subject to clearance of dues.
11. If the dues are cleared by the Petitioner, the membership for the society shall be granted to him within one month after clearance of the dues.
12. No further orders are called for.
13. The petition is disposed of. Pending applications, if any, are also disposed.
14. A copy of this order be communicated to the Respondent no. 4- Mother Dairy Employees CGHS Ltd. through the Registrar Court.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 19, 2025/da/ck