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

+ **W.P.(C) 5876/2025**

SURESH A S

.....Petitioner

Through: Mr. Rakesh Dhingra, Advocate with
Petitioner-in-Person.

versus

**REGISTRAR COOPERATIVE SOCIETIES PARLIAMENT
STREET, NEW DELHI & ANR.**

.....Respondents

Through: Mr. Sameer Vashisht, Standing
Counsel (Civil) GNCTD/R-1.
Mr. Harish Kumar Mehra, Advocate
for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **05.05.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 26836/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

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3. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India seeking quashing of the operation of the impugned order dated 24th October, 2024 and 28th February, 2025 vide which the Petitioner was expelled from the membership of the Respondent No.2 - The Ghalib Memorial CGHS Limited (hereinafter 'Society').

4. Brief background is that Shri Suresh A.S., the Petitioner before this Court, was a part of the Managing Committee of Respondent-Society, located



at Ghalib Apartment, Road No. 42, Pitampura, Delhi-110034 in the years 2009-11. Certain allegations, as to non-repayment of loan borrowed in the name of the Society from DCHFC Ltd, in spite of the same being recovered from the members, were raised against the Managing Committee *vide* Show Cause Notices dated 3rd January 2024, 6th February 2024, and 13th March 2024. Replies to these Notices were filed by the Petitioner, however, Respondent No.1 - Registrar of Cooperative Societies (hereinafter 'RCS') *vide* the impugned order dated 28th October, 2024 had confirmed the expulsion of the Petitioner from the Respondent-Society.

5. An appeal against this order was preferred before the Delhi Co-operative Tribunal (hereinafter 'DCT') by the Petitioner and another Appellant named Sh. Arun Gautam. In the said appeal, interim relief had also been sought. The interim relief was denied *vide* order dated 28th February, 2025 and the appeal remains pending. This petition challenges the non-grant of interim relief.

6. The apprehension expressed by the Petitioner is that the impugned order dated 28th February, 2025 in effect amounts to rejection of the appeal itself. The further apprehension is that the observations in the impugned order could prejudice the final decision of the DCT in the appeal.

7. Mr. Sameer Vashisht, Id. Standing Counsel appearing for the Government of National Capital Territory Delhi and Mr. Harish Kumar Mehra, Id. Counsel appearing for Respondent-Society submits that the appeal itself is listed on 17th July, 2025 before the Chairman, DCT.

8. The submissions being made by Mr. Dhingra, Id. Counsel for the Petitioner would show that the present case would require a factual analysis as to whether the Petitioner was in fact involved in and was responsible for



any financial irregularities at the relevant point in time. This issue would have to be gone into by the Tribunal after perusing the records of the Respondent-Society and that of RCS.

9. In exercise of writ jurisdiction, this Court does not deem it appropriate to enter into disputed questions of fact. In the interest of justice, it is directed that the Delhi Cooperative Tribunal (DCT) shall hear the appeal on 17th July, 2025 and proceed to pass appropriate orders expeditiously. It is clarified that any observations made in the impugned order, particularly in relation to the rejection of the stay application, shall not prejudice or influence the final adjudication of the appeal. The Tribunal shall decide the matter independently and based solely on the material available on record.

10. The order shall be passed within three months after 17th July, 2025.

11. The petition is accordingly disposed of in the above terms. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 5, 2025/nd/Ar.