



2025:DHC:5764-DB



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

Date of Decision: 15th July, 2025

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CONT.CAS (C) 881/2025

ANUJ KUMAR AGARWAL

.....Petitioner

Through: Mr. Vipul Ganda, Mr. Veerandra Kr. Sinha, Mr. Suman Prabhakar, Mr. Vinay K. Shukla & Ms. Arpita Sahu, Advs.

versus

REGISTRAR OF COOPERATIVE SOCIETIES, NEW DELHI AND
ORS.

.....Respondents

Through: Ms. Mannu Singh Advocate, Hony. Secretary SCBA MSCGHS LTD in person
Ms. Bibhuti Krishna, Adv. for R-2.

AND

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**W.P.(C) 10318/2024, CM APPL. 42263/2024, CM APPL. 42288/2024,
CM APPL. 50983/2024, CM APPL. 50984/2024, CM APPL.
16245/2025, CM APPL. 20413/2025 & CM APPL. 41217/2025**

ANUJ KUMAR AGARWAL, ADVOCATE

.....Petitioner

Through: Mr. Vipul Ganda, Mr. Veerandra Kr. Sinha, Mr. Suman Prabhakar, Mr. Vinay K. Shukla & Ms. Arpita Sahu, Advs.

versus

REGISTRAR OF CO-OPERATIVE
SOCIETIES & ORS. ..Respondents

Through: Ms. Mannu Singh Advocate, Hony. Secretary SCBA MSCGHS LTD in person.
Ms. Bibhuti Krishna, Adv. for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition being **W.P.(C) 10318/2024** has been filed by the



Petitioner- Anuj Kumar Agarwal under Article 226 of the Constitution of India, inter alia, seeking issuance of an appropriate writ directing the Respondent No. 3- Supreme Towers Apartment Owners' Association to issue a No Objection Certificate to the Petitioner (hereinafter, 'NOC') on the ground that the maintenance charges for the past years have been cleared by the Petitioner.

3. The Petitioner, is a practising lawyer as also a member of the Supreme Court Bar Association and the Delhi High Court Bar Association. The Petitioner inter alia, seeks issuance of membership/endorsement in favour of the Petitioner by the Respondent No. 2- SCBA Multi State Co-Operative Group Housing Society.

4. Respondent No. 2 is a co-operative society vested with the right to transfer ownership in the said society by way of issuance of a share certificate to any prospective purchaser, provided such purchaser is a member of the Supreme Court Bar Association as well as a member of Respondent No. 2. Further, for the transfer of ownership to any purchaser, as per Respondent No.2, NOC for no dues of maintenance charges is required from Respondent No.3.

5. The case of the Petitioner is that he had purchased a flat at Supreme Towers, Sector 99 Noida on 25th May, 2024 by entering into an agreement with the purchaser namely, Dr. ATM Venkat Raghavan. The Petitioner is in possession of the said flat bearing no. 1301, Tower 8, Supreme Towers, Section 99, Noida (hereinafter, 'flat').

6. The grievance of the Petitioner is that the membership of the Petitioner is not recognised by Respondent No. 2 on the ground that a NOC has not been issued by Respondent No. 3. The grievance of the Petitioner is further that the



Respondent No. 3 had disconnected the water and electricity supply to the flat without raising any demands. The monthly maintenance charges of the Respondent No. 2 are stated to be to be Rs.3,000/-.

7. Vide order dated 16th April, 2025, this Court directed as under:

“16. Under such circumstances, the Petitioner who is stated to have purchased the property and is also residing there, cannot be deprived of his rights indefinitely.

17. Since the Respondent No.2 has no objection to iss}ling the membership/endorsement and the only hindrance appears to be the nonissuance of NOC by Respondent No.3, subject to further orders, the Respondent No. 2 is directed issue the membership/endorsement to the - Petitioner within 24 hours.

18. The Petitioner shall also be permitted to participate in the GBM scheduled on 19th April, 2025.

19. At this stage, Mr. Kaushik Kumar Dey informs the Court that there is an Observer, who has been appointed, who is overseeing the activities of the Respondent No. 2 and the issuance of the membership/endorsement may get delayed.

20. None of these facts relating to the Observer have been brought before the Court by way of an affidavit either by Respondent No. 2 or by Respondent No. 3.

21. Therefore, this Court directs that irrespective of whether the membership/endorsement is issued to the Petitioner or not, he shall be permitted to participate in the activities of the GBM scheduled on 19th April, 2025 in his capacity as a member.”

8. **CM APPL. 41217/2025 in W.P.(C) 10318/2024** has been filed seeking clarification to the effect that the endorsement made in favour of the Petitioner in compliance with the order dated 16th April, 2025 passed by this Court ought to be given effect from 31st July, 2024 when the Petitioner had made the application.

9. As recorded in the order dated 4th July, 2025, the Petitioner’s name was



to be endorsed as the member in place of Sh. ATM Rangaramanujam. The said endorsement has been done in terms of the directions given on 4th July, 2025. However, the date of approval is recorded as 8th July, 2025. This would, in effect, disqualify the Petitioner from participating in the forthcoming elections as the pre-condition for participation in the elections is that the persons are members as on 31st March, 2025.

10. Considering that the Petitioner has already been held to be a member in place of the original member, simply because there was a delay in his endorsement, he cannot be deprived from participating in the elections. Accordingly, it is directed that the Petitioner's membership shall date back to the date of his application i.e., 31st July, 2024 and he shall be allowed to cast his vote or contest in the elections, if eligible for any post.

11. Accordingly, **CM APPL. 41217/2025** is disposed of.

12. In view of the directions given on 16th April, 2025, 4th July, 2025 and the directions given today, nothing further survives in both these matters. The Petitioner does not press for any other reliefs. Both the petitions are disposed of in terms of these orders. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

JULY 15, 2025

Rahul/ss