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

+ **W.P.(C) 14128/2022**

**ORDNANCE CO-OPERATIVE GROUP HOUSING SOCIETY
LTD.Petitioner**

Through: Mr Raj K. Gupta, Advocate.

versus

**REGISTRAR OF CO-OPERATIVE SOCIETIES (GOVT. OF NCT
OF DELHI). & ANR.Respondents**

**Through: Mr Sameer Vashisht, Standing
Counsel (Civil), GNCTD with Ms
Harshita Nathrani, Advocate for R1.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

11.02.2025

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1. The petitioner is a cooperative group housing society and has filed the present petition, *inter alia*, praying as under:

“(i) Issue a writ, order or direction in the nature of Mandamus or such other appropriate Writ, order or direction, thereby directing the Respondent no.1 / Registrar Delhi Co-operative Society to issue fresh recovery certificate with upto date interest in compliance of Arbitration Award dated 04.10.1997 passed in arbitration case no.252/H/1991-92 and seek compliance of the same by taking coercive action against the Respondent no.2 for recovery of the amount;

(ii) This Hon 'ble Court may award the cost, damages and litigation expenses to the Petitioner Society.”



2. The learned counsel appearing for the petitioner submits that the arbitration award dated 17.07.1997, whereby an amount of ₹3,79,881.99 along with interest at the rate of 18% per annum was awarded in favour of the petitioner, has not been executed as yet. The petitioner states that in terms of the said award, a recovery certificate dated 20.02.1998 was issued by respondent no.1 (hereafter *RCS*) against Mr Vijay Kumar Bakshi, the husband of respondent no.2, who has since expired. However, the said recovery certificate was not enforced on account of him challenging the said proceedings by filing a writ petition being W.P.(C) 2309/1998, which was disposed of on 15.11.2006.

3. The learned counsel for petitioner states that a fresh recovery certificate dated 27.11.2014 (for a sum of ₹9,29,809.76) was issued. He submits that thereafter, the husband of respondent no.2 filed an application under Section 115 of the Delhi Cooperative Societies Act, 2003, for review of the said order, which was also dismissed. Thereafter, he filed yet another writ petition being W.P.(C) 10214/2015 challenging the aforementioned proceedings. In the said proceedings this court passed an interim order dated 04.11.2015 directing that no coercive action be taken against respondent no.2, subject to respondent no.2 depositing a sum of ₹5,00,000/-. The said petition was dismissed on 20.01.2016.

4. Thereafter, Mr Vijay Kumar Bakshi filed a special leave petition being SLP Appeal (Civil Diary No.19441/2016) impugning the order dated 20.01.2016 passed by this court in W.P.(C) 10214/2015. This petition was also dismissed by the Supreme Court on 12.04.2017 for non-prosecution.

5. It is stated that Mr Vijay Kumar Bakshi expired on 12.01.2019, and



thereafter, respondent no.2 (the widow of Mr Vijay Kumar Bakshi) applied for transfer of the membership in her name, which was allowed. However, the outstanding dues towards the petitioner society have not been cleared.

6. In the given facts, the question of issuing a fresh recovery certificate does not arise and the certificate issued earlier is required to be enforced. The learned counsel appearing for the petitioner is not aware whether any proceedings for execution of the recovery certificate has been instituted as yet.

7. Mr Sameer Vashisht, learned Standing Counsel, appearing for respondent no.1 submits that in the event, the petitioner society has not applied for execution of the recovery certificate, it may do so and the same would be dealt with in accordance with law. He also submits that in the event the petitioner has already filed the execution proceedings, the learned counsel may furnish the details of the same and respondent no.1 would ensure that necessary steps are taken in respect of the said recovery certificate, in accordance with law, within a period of eight weeks from date.

8. In view of the above statement made on behalf of respondent no.1, no further orders are required to be passed in the present petition and the same is disposed of.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 11, 2025/tr

[Click here to check corrigendum, if any](#)