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

+ **W.P.(C) 14131/2022**

**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

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11.02.2025

1. The petitioner is a Group Housing Society and is registered with respondent no.1, Registrar of Co-operative Societies (RCS). The petitioner 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 20.12.2014 passed in arbitration case no.2662/AR/ARB/04-05 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;



(ii) Pass such other and further order or orders in favour of the Petitioner Society and against Respondents as this Hon'ble Court may deem fit and proper in view of the facts and circumstances of the case.”

2. The petitioner claims that it had filed an arbitration case against one Sh. Vijay Kumar Bakshi, husband of respondent no.2 (since deceased), seeking recovery of an amount of ₹80,806/- including interest thereon. The learned Arbitrator had allowed the aforesaid claim by an award dated 25.04.2012. However, the same was set aside by the Delhi Co-operative Tribunal by an order dated 12.03.2014 in an appeal preferred by Sh. Vijay Kumar Bakshi.
3. The said award was set aside and the case was thereafter assigned to another Arbitrator (Sh. Vinod Kumar Jain) under Section 71 of the Delhi Co-operative Societies Act, 2003 (hereafter *DCS Act*). The said arbitral proceedings culminated in an award dated 20.12.2014 against Sh. Vijay Kumar Bakshi holding him liable to pay an amount of ₹5,96,047/- along with interest at the rate of 15.5% at quarterly rest on the amount of loan and 15% interest on other charges and costs from 01.09.2014 till the date of payment.
4. Sh. Vijay Kumar Bakshi appealed the said award under Section 112 of the DCS Act before the Delhi Co-operative Tribunal. However, the said appeal was dismissed by an order dated 27.02.2019. On 12.01.2019, Sh. Vijay Kumar Bakshi expired and respondent no.2 applied for transfer of membership in her name. The said transfer was allowed.
5. It is the petitioner's case that despite making further request, respondent no.1 has not issued any Recovery Certificate.
6. Mr Vashisht, learned counsel appearing for respondent no.1 RCS



submits that in the event the petitioner seeks to recover the amount, the petitioner is required to take steps for enforcement of the award in terms of Rule 124(2) of the Delhi Co-operative Societies Rules, 2007 (hereafter *the Rules*). He submits that in the event the petitioner seeks a certificate of recovery, it is required to make an application in the prescribed form under Rule 124 of the Rules.

7. He submits that if such an application is made, the same would be processed as expeditiously as possible. He also states that if an application has already been made, the details of the same may be provided and respondent no.1 shall take the necessary steps in accordance with law.

8. In view of the above, no further orders are required to be passed in this petition. We, however, clarify that in the event the petitioner takes necessary steps in accordance with law for release of recovery certificate and if no further steps are taken, the petitioner is at liberty to apply afresh.

9. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 11, 2025
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Click here to check corrigendum, if any