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

+ W.P.(C) 17582/2022 & CM APPL. 56171/2022, CM APPL.
49484/2025.

NTPC EMPLOYEES COOPERATIVE GROUP HOUSING

SOCIETY LTD

.....Petitioner

Through: Mr. D.K. Rustagi & Ms. Anjali
Pandey, Advs.

versus

REGISTRAR COOPERATIVE SOCIETIES & ORS.Respondents

Through: Mr. Abhinav Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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13.08.2025

1. As per order dated 12th August 2025, learned counsel appearing for respondent no.1 has sought to canvass that the order impugned appointing an administrator is sustainable as the same is in tune with the provisions of Section 35(5) of the Delhi Cooperative Societies Act 2003 ('**DCS Act**').
2. Learned counsel appearing for respondent no.1 has sought to demonstrate from the record that not only has the petitioner/managing committee acted upon the resignation submitted by the committee members, which has resulted in deficiency of quorum, but since the committee cannot continue, in such an eventuality, in terms of the **Bye-Law No.23**, the order impugned can be justified, thereby appointing an administrator.



3. The submissions made by the learned counsel for respondent no.1 are not borne out from the reasons in the impugned order; rather, the impugned order itself contains the reasons for exercising the powers under Section 35(5) of the DCS Act for appointment of administrator. Respondent no.1 is using the pleadings in the petition to substantiate his order.
4. It is a settled position of law that the authority cannot borrow reasons from other sources to justify its orders, unless the reasons can be said to have been mentioned in the record. Even the record to that effect has also not been placed before us.
5. In such an eventuality, we are not inclined to accept the submissions of counsel for respondent no.1 in justification of the issuance of the order impugned.
6. However, at this stage, it is brought to our notice that the issue about dismembering from the petitioner's society was under consideration in ***W.P.(C) 11561/2025*** titled '***Ajay Jain & Ors. vs. Registrar of Cooperative Societies & Anr.***' The said petition was disposed of by this Court *vide* order dated 04th August 2025 with directions to respondent no.1.
7. The nature of directions issued was for the arbitrator to look into the claim as regards the members who allegedly cannot be continued with the petitioner's society.
8. We have observed in the said order that the Arbitrator is required to do the same expeditiously.
9. In this background, we deem it appropriate to allow the present petition, thereby quashing the impugned order dated 12th December, 2022.
10. The fact remains that *vide* order of 05th January 2023, this Court permitted the petitioner/managing committee to continue with *status quo* as



and as a sequel thereto, the petitioner/managing committee is stated to have continued managing the affairs of the society.

11. We make it clear that, if so required, respondent no.1 shall be at liberty to pass a speaking order in the matter afresh, having regard to the statutory provisions as reflected in Section 35 of the DCS Act.

12. The petition stands disposed of with the above directions.

13. Pending applications stand disposed of.

14. Order be uploaded to the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

AUGUST 13, 2025

ab/tk/ss