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

+ **W.P.(C) 13940/2024 & CM APPL. 58316/2024**

R K AGGARWAL

.....Petitioner

Through: Mr. Maninder Singh, Senior Advocate
with Mr. Dhananjay Mehlawat, Ms.
Smriti, Mr. Rahul Pandey and Ms.
Sanjana Nair and Mr. Mukul
Aggarwal, Advocates

versus

**REGISTRAR OF COOPERATIVE SOCIETIES
& ORS.**

.....Respondents

Through: Ms. Harshita Nathrani, Adv for Mr.
Sameer Vashisht, Standing Counsel
(Civil) R-1.
Mr. Amarkant Patel, Mr. Alok Singh
and Mr. Manish Nagpal, Advs for R-2.
Ms. Shobhana Takiar, Mr. Shivam
Takiar, Mr. Prateek Dhir and Mr.
Kuljeet Singh, Advs for R-3.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

08.10.2025

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1. The challenge in the present petition is to the order dated 22nd February 2024, delivered by the Financial Commissioner, Delhi in compliance of the order dated 24th February 2023 passed by the Division Bench of this Court in ***W.P(C) No.7273 of 2022 titled R.K. Aggarwal Vs. Registrar of Cooperative Societies & Ors.***

2. It is the contention of the learned counsel for the Petitioner that, once



his membership was held to be valid since the year 1968, the Division Bench of this Court, by order dated 24th February 2023, having regard to this, directed the Financial Commissioner to take an appropriate decision in the matter. According to him, in such an eventuality, the Financial Commissioner was expected to decide the matter in accordance with the provisions of *Section 116 of the Delhi Cooperative Societies Act, 2003*, and not to remand back the matter to the *Registrar of Cooperative Societies*.

3. Learned counsel for the petitioner would invite our attention to the observations made in *paragraph 16* of the impugned order dated 22nd February, 2024 passed by the Financial Commissioner, wherein the Financial Commissioner has relegated the matter to the Registrar, Cooperative Societies for recording findings on certain factual matrix.

4. According to him, directions issued by this Court include a mandate for the Financial Commissioner to record findings on the said issue, instead of remitting the matter back to the Registrar, Cooperative Societies.

5. As against above, learned counsel appearing for the Respondents contends that, since the Registrar of Cooperative Societies is the first fact-finding authority, the order of the Financial Commissioner is justified, which is passed in exercise of revisional jurisdiction to call for findings on the facts concerning the issues, as reflected in *paragraph 14* of the impugned order. Accordingly, it is prayed that the writ petition be dismissed.

6. We have considered the aforesaid submissions.

7. We have gone through the judgment pronounced on 24th February 2023 in ***R.K. Aggarwal Vs. Registrar, Cooperative Societies*** (supra). The Division Bench of this Court was mindful of the factual matrix of the case concerning the membership of the Petitioner in Respondent No.2–Society, granted in the



year 1968, and the subsequent litigation, which has attained finality before the Apex Court.

8. As regards the claim of one Mr. V.K. Jain, through whom Respondent No.3 claims a right to membership, over and above the Petitioner, the Division Bench considered the entire factual matrix and in categorical terms observed that it is the Financial Commissioner who is required to look into the aspect and accordingly remanded it back to the Financial Commissioner.

9. In such an eventuality, the Financial Commissioner should have been sensitive to the observations made by the Division Bench in *paragraphs* 20 and 21 of the order dated 24th February 2023, delivered in the writ petition referred to above.

10. Instead of deciding on its own, pursuant to the mandate of the aforesaid judicial authoritative pronouncement, it appears that the Financial Commissioner has remanded the matter back to the *Registrar of Cooperative Societies* for recording findings on facts.

11. It was expected of the revisional authority to examine the said issue on its own, instead of remitting the matter back to the *Registrar, Cooperative Societies*. If the impugned order is sustained, the net result would be multiplicity of proceedings, as the findings of the *Registrar, Cooperative Societies* could again be assailed and the parties hereto will be required to suffer another round of litigation.

12. Judicial discipline, in such an eventuality, warrants that it is for the Financial Commissioner to decide the matter on its own instead of remitting the same back to *Registrar, Cooperative Societies*.

13. As such, we deem it appropriate to quash and set aside the order of remand dated 22nd February 2024, which is impugned in the present petition



and direct the parties to appear before the Financial Commissioner on 27th October, 2025.

14. We direct the Financial Commissioner to decide the claim of the parties to the petition in the light of the observations made by the Division Bench of this Court in its order dated 24th February 2023, delivered in ***W.P.(C) No.7273 of 2022***.

15. Let the proceedings be decided by the Financial Commissioner, in any case, within a period of four months from the date of appearance of the parties.

16. All the respective counsels appearing for the parties including the Respondent No.3, who is present-in-person, assure that all possible cooperation shall be extended in deciding the proceedings expeditiously.

17. The petition, as such, stands partly allowed in above terms.

18. Pending applications, if any, also stands disposed of accordingly.

19. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

OCTOBER 8, 2025/ay