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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14474/2024**
SWO MULTI STATE CO-OPERATIVE HOUSING SOCIETY
LIMITED & ANR.

.....Petitioners
Through: Mr. Piyush Pathak, Mr. Rohit
Yadav and Mr. Ram Kishan,
Advs.

versus

RERA, NCT OF DELHI THROUGH ITS CHAIRMAN &
ANR.

.....Respondents
Through: Mr. Siddharth Panda and Mr.
Anil Pandey, Advs. for R-1.
Mr. Ripudaman Bhardwaj, Mr.
Kushagra Kumar, Mr. Amit
Kumar Rana and Mr. Rudra
Paliwal, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

% **ORDER**
03.03.2025

CM APPL. 60702/2024

1. Allowed, subject to all just exceptions.

W.P.(C) 14474/2024, CM APPL. 60703/2024

2. This petition has been filed by the petitioners praying for the following reliefs:-



“a) Allow the writ petition by issuance of direction, order or writ in the nature of prohibition or any other appropriate writ prohibiting the Respondents from equating Or considering the petitioners as Promoter as defined Under Section 2(Zk) of The RERA Act 2016;

b) Allow the writ petition by issuance of a direction, order or writ in the nature of prohibition or any other appropriate writ prohibiting the Respondents from interfering in autonomous functioning of the Petitioners in their Subject Domain;

c) Allow the writ petition by issuance of a direction, order or writ in the nature of prohibition or any other appropriate writ prohibiting the Respondent No. 1 from entertaining any refund application by the members of the Petitioner Societies by wrongly considering them as Allottees as defined Under Section 2(D) of the RERA Act 2016;

d) Allow the writ petition by issuance of a direction, order or writ in the nature of Mandamus Or any other appropriate Writ directing the Respondent no. 1 to withdraw all the orders and directives issued against the Petitioners in violation of the Acts as are applicable to the Petitioners Viz. the Societies Act 1860; The Delhi Co-operative Societies Act 2003; And the Multi State Co-operative Societies Act 2002;

e) Allow the writ petition by issuance of a direction, order or writ in the nature thereof declaring the part of definition of the Promoter U/S 2 (zk) of RERA Act, 2016 ultra vires to the extent it means Cooperative Societies as given in sub clause (iv) of Section 2(zk).

f) Award costs of this writ petition to the Petitioners.”

3. Admittedly, the petitioners have filed the present petition in anticipation that some complaint one day will be filed against them before the Real Estate Regulatory Authority (RERA), which may get



entertained treating them to a ‘promoter’.

4. The petitioners are making all the prayers only in anticipation without having any actual cause of action for the same.

5. We feel that this academic exercise cannot be conducted in the present petition. The petition is, accordingly, dismissed.

6. We leave it open to the petitioners to avail of its remedies as and when the cause of action arises for the same.

NAVIN CHAWLA, J

SHALINDER KAUR, J

MARCH 3, 2025/ss/kp/IK

Click here to check corrigendum, if any