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

+ **W.P.(C) 16508/2025**

SHIV SHANKER GUPTA

.....Petitioner

Through: Mr. C.S. Gupta & Mr. Morh Mukut P.
Yadav, Advs.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Urvi Mohan, Adv. for R-1.
Mr. Kundan Kumar Roy & Mr. Pulkit
Atal, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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03.11.2025

CM APPL. 67676/2025, CM APPL. 67677/2025

1. Exemptions allowed, subject to just exceptions.
2. The applications stand disposed of.

W.P.(C) 16508/2025 & CM APPL. 67678/2025

3. In the proceedings conducted under Section 71 of the Delhi Cooperatives Societies Act, 2003 (hereinafter referred to as "*the Act*") in the nature of arbitration proceedings, the respondent society invoked the appellate remedy resulting into passing of the impugned order dated 09th September, 2025.
4. If we consider the impugned order, particularly in respect of the



quorum provided under the statutory mandate under section 114 of the Act, it seems that the Chairman individually passed the order thereby staying the proceedings before the arbitrator through an *ad interim* order.

5. The fact remains that the Chairman had no jurisdiction to man the tribunal and individually pass the interim order unless the parties arrived at a consensus on the said issue.

6. As such the impugned order dated 09th September, 2025 is contrary to the statutory mandate provided under Section 114 of the Act and that being so, the same can be said to be non-sustainable in law.

7. As such the said impugned order is hereby quashed and set aside.

8. We clarify that the stay granted by the Chairman of the Delhi Cooperative Tribunal on 09th September, 2025 is hereby quashed and set aside.

9. The arbitrator shall proceed with the proceedings.

10. The writ petition stands allowed in above terms. Pending application, if any, stand disposed of.

11. Though the counsel for the respondent-Society has claimed that the order does not speak of the non-completion of quorum and as such cannot be said to be illegal, however, in our opinion, said contentions are liable to be rejected in view of the statutory mandate.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 3, 2025/ab/ss