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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 10th April, 2026

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+ W.P.(C) 893/2026 & CM APPL. 4380/2026

JAGDISH CHANDER BHATLAPetitioner

Through: Mr. G. S Chaturvedi, Mr. Virat Vibhav
Singh along with Petitioners in person.

versus

THE REGISTRAR CO-OPERATIVE SOCIETIES & ORS.

.....Respondents

Through: Mr. S.S Ahluwalia, Ms. Saniya Zehra,
Mr. Prince Balyan, Advs.
Mr. Ayush Tomer, Proxy Counsel for
R3.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, assailing the incorrect list dated 24th September, 2025 issued by the Registrar Co-operative Societies (*hereinafter*, 'RCS') whereby the name of the Petitioner has been shown in 'Category' B instead of 'Category C'.
3. The grievance of the Petitioner is that he is a member of the Jan Vikas Co-Operative Group Housing Society Ltd., Paschim Vihar, New Delhi-110087 (*hereinafter*, 'the society'), however, his category of flat in the said society is being repeatedly changed from Category "C" to Category "B".



4. The further case of the Petitioner is that a decision regarding his category has already been pronounced by an award dated 21st January, 2019 passed by the Id. Sole Arbitrator in a claim filed by the Petitioner u/s 70 of the Delhi Co-operative Societies Act, 2003.

5. Thus, it is the case of the Petitioner that the action of the society, especially, the President and the Secretary is *mala fide*.

6. On 22nd January, 2026 Id. Counsel for the Petitioner had informed the Court that the award dated 21st January, 2019 has been executed and the category of the Petitioner has been restored to category "C". On the said date, notice was also issued in the matter and the Society was impleaded as a party. Id. Counsel for the Society had made the following submissions:

"12. Id. Counsel for the society, on instructions from the President– Ms. Shalini Malhotra who is also present in Court, submits that the society does not oppose the prayer of the Petitioner. In fact, as per the Society, the Respondent No. 3, who is the Secretary of the society, appears to be indulging in irregular activities in the society.

13. Thus, Id. Counsel for the Society submits that he would like to place an affidavit on record in this respect.

14. Accordingly, let the Society place its affidavit on record, signed by the President, within two weeks. Rejoinder thereto, be filed within two weeks thereafter.

15. Id. Counsel for the DDA submits that whatever list with respect to the Category of the Petitioner as a member in the society is finally approved by the Society and sent to them, the DDA shall take note of it and process the same in accordance with law."



7. In the meantime, a counter affidavit has been filed on behalf of the Society wherein, in paragraph 3, it is stated as under:

“3. That in the present case, the Respondent no. 2 has no clue that in what manner and under what provisions, the category of the Petitioner was changed from flat 'category C' to 'category B'. The Deponent has always been under the impression that the Petitioner was to be allotted flat in terms of the award passed by Sh. GK Marwah in Arb. Case No. 78/GH/DR/Arb/2017-18 (Annexure P-2 of the Petition). (Execution) **The Deponent has no clue that how the list dated 24.09.2025 was prepared by the Respondent no. 1 and communicated to Respondent no. 4 wherein the Petitioner's category for the allotment of flat is shown as Category B. It is submitted that Respondent no. 3 has complete control in the allotments of flats of the Respondent no. 2/ society for his own vested interest and does not let the Deponent interfere in any of the affairs of the society.**”

8. Further, a letter dated 21st January, 2026 has also been placed on record by Mr. G. S Chaturvedi, Id. Counsel for the Petitioner. The said letter was issued by Dr. S.L. Sagar, the Secretary, who is Respondent no. 3, to the Petitioner, stating as under:

“We refer to legal notice dated 23rd December, 2025 served upon the society through your counsel Shri G. S Chaturvedi on the subject cited above. The issue was placed before the Managing Committee for restoration of your category which was allocated to you at the time of enrolment in the society and in subsequent correspondence and also in relation to payments made by you for the category you had opted at the time of enrolment that is category 'C'. **The Managing Committee after due**



deliberations and thoughtful consideration has resolved in today's video conferencing meeting to admit your claim for the category 'C'. You are therefore requested to withdraw the suit filed against the society for restoration of category and let the draw of flats be held by DDA for the good of all members of the society. We assure you our best co-operation at all times. The Managing Committee of the society has verified its records, vis-à-vis, the records of the case titled Jagdish Chander Bhatla v/s the society & took the action to protect your claim for the category in the best co-operative interest. Kindly acknowledge receipt and oblige.”

9. Mr. S.S. Ahluwalia, Id. Counsel for Society submits the Society would abide by the award dated 21st January, 2019 which has been passed. Further, it is also submitted that there is no objection if the Petitioner is awarded category “C” flat.

10. On behalf of the Delhi Development Authority (*hereinafter*, ‘DDA’), Id. Counsel reiterates that as per the recommendation sent by the RCS, the DDA would conduct the draw of lots accordingly.

11. Heard. In the award dated 21st January, 2019, the Petitioner’s category was restored to category “C” in the following terms:

“16. Having carefully gone through the entire record on file and having carefully heard the Id. Counsel for the claimant, I have gone through the relevant provisions of the Act and Rules framed thereunder. I am of the considered opinion that downgrading the category of flat of the claimant from category 'C' to 'A' by the Society is against the Law as enshrined in the Act and also against the principle of natural justice and equity; and, therefore, is liable to be restored. **The society is**



therefore, directed to immediately restore the category of the flat of the claimant to category 'C'.

If any payment is due from the claimant, then the society shall raise the demand at par with other members similarly placed as the claimant, which the claimant shall pay within the stipulated time as laid by the society.”

12. In view of the above facts and submissions made, since the Society has no objection in the restoration of the category of the Petitioner to category ‘C’, it is directed that the award dated 21st January, 2019 be given effect to and the Petitioner’s category be restored to category “C”. The list of recommendations is modified accordingly.

13. Let the recommendation be sent by the RCS to the DDA, within two weeks – latest by 30th April 2026, so that the Petitioner can be considered for allotment of category “C” flat. Upon receiving the recommendation, the DDA shall conduct the draw of lots in accordance with law.

14. The petition is disposed of in above terms. Pending applications, if any, shall stand disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 10, 2026/ys/sm