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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3922/2026**

LT. COL BALRAJ ANAND

.....Petitioner

Through: Dr Anil Kumar Bakshi & Mr. Ashok
Kumar Shukla, Mr. Anil Kumar Attri
Advs. with Petitioner in person.

versus

REGISTRAR CO-OPERATIVE SOCIETIES, DELHI & ORS.

.....Respondents

Through: Ms. Vaishali Gupta and Mr Anubhav
Gupta, Advs. for R-1&2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **27.03.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 19182/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

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3. The Petitioner-Lt. Col. Balraj Anand, who is a retired Army officer, has preferred the present petition seeking directions to the Registrar Cooperative Societies (*hereinafter* 'RCS') to take a decision in terms of Rule 124(3) of the Delhi Cooperative Societies Rules, 2007 (*hereinafter*, 'DCS Rules') either confirming or refusing to confirm the Arbitration award dated 19th June, 2023 in Arbitration Case No. **44/GH/DR/RB/2021-22**.

4. The brief background of the present case is that the Petitioner is a member of the GURU Cooperative Group Housing Society Ltd. (*hereinafter*

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‘Society’). Sometime in 2021, certain claims were raised by the Society before the RCS.

5. A claim petition was initially filed by the Society claiming a sum of Rs.2,34,114/- from the Petitioner, before the RCS. Thereafter, an amended claim petition was filed seeking a sum of Rs.2,47,391/-.

6. Statutory proceedings were conducted before the ld. Deputy Registrar, RCS, where certain objections were raised by the Petitioner including on jurisdiction, etc. However, the claim petition of the Society was admitted *vide* order dated 21st June, 2022 by the Deputy Registrar, RCS. The amended claim petition was referred to arbitration.

7. The said order dated 21st June, 2022 was challenged by way of an appeal filed by the Petitioner before the Delhi Cooperative Tribunal (*hereinafter*, ‘DCT’), which is stated to be pending.

8. Pursuant thereto, RCS nominated an arbitrator under Section 71 of the Delhi Co-operative Societies Act, 2003 to conduct the arbitration proceedings. The ld. arbitrator passed the arbitral award on 19th June, 2023 against the Petitioner for a sum of Rs. 2,09, 024/-

9. According to the Petitioner, after the arbitral award was passed, under Rule 124(3) of the DCS rules, the RCS is to take a decision on the correctness of the award and send it for execution or remand the same for rectification to the ld. Arbitrator. It is the submission of ld. Counsel for the Petitioner that this procedure has not been undertaken by the RCS.

10. However, the Petitioner had also filed a writ petition being ***W.P.(C) 1726/2024*** titled ‘***Lt. Col. Balraj Anand (Retd.) v. Registrar Cooperative Societies and Ors***’. In the said petition, *vide* order dated 6th February, 2024 the ld. Division Bench has decided as under:

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“[...]

9. *The Petitioner has suffered an award dated 19th June, 2023 and elected not to file an appeal against the said award as per Section 112 of the DCS Act, 2003. The Arbitrator has issued a direction to the Petitioner under the arbitral award to pay an amount of Rs. 2,09,024/- within 45 days. The Petitioner has admittedly not paid the said amount and therefore, the summons issued by the RCS under Section 105 of the DCS Act, 2003 is in accordance with law and therefore, prayer (1) in the writ proceedings is not maintainable.*

10. *We are of the considered opinion that the Petitioner cannot maintain the present writ petition to challenge the RCS's order dated 21st June, 2022, award dated 19th June, 2023 and the order of the RCS dated 01st December, 2023 for the reasons recorded hereinabove.*

11. *The Petitioner is at liberty to pursue his Appeal No. 128/2022 and his statutory remedies against the award dated 19th June, 2023 in accordance with law.”*

11. The said order dated 6th February, 2024 was challenged by the Petitioner before the Supreme Court under Article 136 of the Constitution of India in ***SLP(C) Diary No.39834/2025*** titled ‘***Balraj Anand v. Registrar Cooperative Societies Govt. NCT Delhi & Ors***’. and the SLP was dismissed.

12. After the passing of the arbitral award dated 19th June, 2023, the Petitioner has also filed the second being ***Appeal No. 26/2025*** before the DCT, challenging the arbitral award. The said appeal is also pending.

13. At this stage, the prayer of the Petitioner is as under:

“(1) Issue Writ of mandamus against respondent No.

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1 for completing the mandatory proceedings under Rule 124(3) of DCS Rules r/w Sec 105 (a) of DCS Act, after recalling the arbitration record of proceedings sent to Ld DCT in petitioner's appeal No. 26/2025 which is pending disposal before the Ld. DCT.

(2) Direct respondent No.1 grant full and proper opportunity to the petitioner to assail the award dt 19-06-2023 including production of accounting records/documents i.e. bills, rates, durations, authority etc by respondent No. 4 and also summoning of material witnesses who had prepared the accounting records relating to the petitioner.

(3) Direct respondent No.1 to dispose of any application of the petitioner pending in the present proceedings for scrutiny /approval of the award under Rule 124 (3) of DCS Rules before finalising the scrutiny proceedings of the award dt 19-06-2023.”

14. The Court has considered the matter. The entire matter including the challenge to the initial reference order dated 21st June, 2022 and the arbitral award dated 19th June, 2023 is now pending before the DCT.

15. If the Petitioner has any objection in the manner in which the RCS has not taken a decision under Rule 124(3) of the DCS rules, the said issue can also be agitated before the DCT.

16. The present case is not a fit case for entertaining the present petition, in view of the fact that all the issues would be open to be adjudicated before the DCT.



17. The DCT shall expeditiously take a decision in the matter. The petition is accordingly disposed of in these terms.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MARCH 27, 2026

Rahul/sm

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