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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5119/2023

ASHISH SAXENA AND ORS

.....Petitioners

Through: Mr. N.K. Aggarwal, Adv.

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Anubhav Gupta & Mr. Sameer
Vashishtha, Advs.

Mr. Rajiv Vig, Adv. for R-2/Society

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **17.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition was filed by Mr. Ashish Saxena, Mr. Manjit Singh, Mr. Prashant Malhotra and Mrs. Neelam Malhotra who are members of Roopvilla CGHS Ltd. (*hereinafter 'the Society'*). It is their case that there were various irregularities including financial fraud and embezzlement in respect of the funds collected by the Society. Allegations were made against the then Managing Committee of the Society. The allegations inter alia, related to mismanagement in tender works, construction works, etc.
3. The prayer in this writ petition is as under:

“1. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent No. 1, to appoint a forensic auditor for conducting forensic audit of the financial affairs of the Respondent No. 2 Society i.e. Roopvilla CGHS Ltd. (Reg. No. 1192/GH) on account of irregularities and illegalities adopted by the self-proclaimed Illegitimate Managing Committee (duration January/February, 2021 to September, 2022),



the Ex-Managing Committee (duration January, 2018 to 13.01.2021), as well as the Building Committee in arbitrary award of works and the evident financial frauds and embezzlement of funds collected from the members of the pretext of repair of facade of the society building, by the self-proclaimed and illegal Management Committee of the Society (January/February, 2021 to September, 2022), the Ex-Managing Committee (duration January, 2018 to 13.01.2021) and the Building Committee.”

4. Pursuant to the present writ petition, the Registrar of Cooperative Societies (*hereinafter ‘RCS’*) had filed a short affidavit stating that it had *vide* letter dated 29th January, 2021 directed the Society to stop the election process till appointment of the Administrator. The Managing Committee had also resigned on 27th September, 2022.

5. One Mr. K.K. Satija was appointed as an Inspecting Officer on 16th September, 2021 under Section 62 of the Delhi Co-operative Societies Act, 2003 to inquire into the complaints of the Petitioner and he had submitted a report. Thereafter, the said report was also challenged and finally, *vide* order dated 20th March, 2026, a forensic audit has been directed in the following terms:

“Whereas, the Roopvilla Cooperative Group Housing Society Ltd., Plot No. 02, Sector-19B, Dwarka, Phase-II, Delhi-110075 is registered with this Department as per DCS Act & Rules and as per by laws of the Society vide registration No. 1192 (GH.)

Whereas, this office received complaint dated 19.06.2020 from Sh. Ashish Saxena & others, regarding financial embezzlement by the Ex-Management Committee of the Society. On the said complaint the then Competent Authority had given opportunities of being heard to the complainants and respondent(s). After considering the facts submitted by complainant and respondent, the then competent authority, appointed Sh. K.K. Satija, Dy. Secretary as an Inspection Officer



u/s 61 of DCS Act, 2003 vide order dated 16.09.2021. Sh. K.K. Satija, Inspection Officer u/s 61 of DCS Act, 2003 submitted his report dated 29.02.2024 and recommended for inquiry u/s 62 of DCS Act, 2003.

Whereas, on the basis of the inspection report of Inspecting Officer u/s 61 of DCS Act, 2003, the competent authority has given opportunities of being heard to the complainants and respondent(s). After considering the facts submitted by the Inspection Officer u/s 61 of DCS Act, 2003 & complainants and respondent(s), the Competent Authority has recommended to appoint an Inquiry Officer u/s 62 of DCS Act, 2003 to conduct the inquiry in the present matter.

Now, therefore, the Competent Authority i.e. the Registrar of Cooperative societies appoints Sh. Rajeev Chabra, Deputy Commissioner, Industries Department, Govt. of NCT of Delhi, as an Inquiry Officer u/s 62 of DCS Act, 2003 to inquire on the complainant of Sh. Ashish Saxena & others, in terms of DCS Act, 2003 & DCS Rules, 2007, in Roopvilla Cooperative Group Housing Society Ltd., Plot No. 02, Sector-19B, Dwarka, Phase-II, Delhi-110075 and also directs him to complete the said inspection within 90 days from the date of issue of this order as per DCS Act & Rules. Sh. Rajeev Chabra, shall be paid honorarium of Rs. 15,000/- (Rupees Fifteen Thousand Only) from the society's fund.

This issues with the prior approval of the Competent Authority.”

6. Mr. Rajeev Vig, Id. Counsel submits that the earlier Managing Committee having disbanded, a new Managing Committee was elected and the term of the said Managing Committee is also coming to an end.
7. Under these circumstances, the following directions are issued:
 - i) The inquiry in terms of Section 62 of the Delhi Co-operative Societies Act, 2003 shall be conducted as per the order dated 20th March, 2026. In the said inquiry by Mr. Rajeev Chabra, the complainant shall also be heard;
 - ii) The inquiry shall be completed within a period of 90 days as



stipulated under Section 62(1) of the Delhi Co-operative Societies Act, 2003 .

8. After the conduct of the inquiry, the RCS shall proceed in accordance with law as per the scheme of the Delhi Co-operative Societies Act, 2003 after giving an opportunity of being heard to the parties under Section 66 of the of the Delhi Co-operative Societies Act, 2003 and pass orders in accordance with law.
9. Insofar as the election is concerned, since the present Managing Committee's term is going to expire soon, the RCS is free to appoint an independent Returning Officer for conduct of the elections, if so required.
10. The Society shall submit all the relevant records to the Inspection Officer and cooperate with the inquiry proceedings.
11. All rights and remedies of the parties are left open.
12. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

APRIL 17, 2026

Rahul/ck