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

Date of decision: 13th January, 2026
Uploaded on: 15th January, 2026

\+ **W.P.(C) 9667/2019 and CM APPLs. 6562/2023, 6563/2023, 62857/2024, 15057/2025 &15058/2025**

SMT. PRATIBHA RAI AND ANR. .....Petitioners
Through: Petitioner No.2 in person

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND ORS. .....Respondents
Through: Mr. Anubhav Gupta, Panel Counsel(Civil) GNCTD (9910623535)
Mr. Akash Swami, Advocate for R-2/Jai Diba Society.

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 under Article 226 of the Constitution of India by Petitioner No. 1– Ms. Pratibha Rai and Petitioner No. 2– Col. Shri Ram Rai (Retd.), seeking the following reliefs:

> *"1. The Hon'ble Court may please order to get the audit done by an independent Auditor under the supervision/monitoring of the Hon'ble High Court.*
> *a. As both the MC and RCS have miserably failed in performing their respective statutory duty and have no locus standi (as per DCS Act,2003 and DCS*

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> *Rules,2007) to have the Audit conducted at this belated stage for the previous two Financial Years, 2016-17 and2017-18 and for the current FY 2018-19*
> *b. That the petitioners be given a chance to appear before the independent auditor appointed by the Hon'ble Court to disclose the facts of wrongdoings by the Managing Committee.*
> *c. The Society is going to get defunct as per Rule 2sub-Rule (f).”*

3. The case of the Petitioners is that the audit of the society named ‘Jai Diba Maa Cooperative Group Housing Society Ltd’., Plot no.11, Sector-5, Dwarka Phase-1, New Delhi-110075 *(hereinafter, ‘the Society’*), for a consecutive period of three years, has not been conducted and hence, it is prayed on behalf of the Petitioners that the society be declared as a defunct Society.

4. Petitioner No.1, who is the daughter of Petitioner No.2, is a Professor in Delhi University and was a member of the Society. The position as on date is that Petitioner No.1 has already sold off the property that she owned in the Society and neither of the Petitioners live in the Society.

5. The stand of the society is that the Petitioners are no longer members of the Society and thus, have no locus standi to maintain this petition.

6. Petitioner No.2, who is a retired Colonel, is appearing in person before the Court and submits that he is entitled to continue to pray for the Society to be declared defunct, in view of the audit of the Society having not been conducted properly for three consecutive years.

7. Notice in the petition was initially issued on 6th September, 2019. Thereafter, pleadings have been completed in the matter.

8. Sometime in the year 2024, a Returning Officer was appointed for

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conducting the elections of the Society. However, *vide* order dated 12th March, 2025, the Court had directed that the declaration of the results of elections, if conducted, be deferred till 19th March, 2025. The said order was passed in the following terms:

> *"1. We record the contention of Colonel Rai that no notice of the appointment of Mr. T. Tarun as Returning Officer by order dated 15January 2025 as well as of the agenda notice issued by the Society on2 February 2025 by the said Returning Officer has been given to the members of the respondent — Society in accordance with the procedure prescribed in that regard, as per Rules.*
> *2. In that view of the matter, issue notice on these applications to the non-applicants in this petition, returnable on 19 March 2025.*
> *3. Notice may be served on the non-applicants without process fees through Counsel who appeared on their behalf.*
> ***4. The authorities conducting the election may consider whether the election can be held thereafter. In the event that the election takes place on the date fixed, we restrain the authorities from declaring the result thereof till 19 March 2025.***
> ***5. This order would remain in force only till 19 March 2025 and would abide by further orders to be passed by the Court on the said date.***
> *6. Dasti under signatures of Court Master, to be served on the non applicants through Counsel who appeared on their behalf so that they are present on the next date of hearing."*

9. On 19th March, 2025, the Court had recorded the allegation of the Petitioners that notice of appointment of the Returning Officer was not given to the members of the Society. The Court had then directed the Returning Officer to remain present in Court and had also issued the following

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directions:

> *"5. Let Mr. T. Tarun, the Returning Officer remain present in Court on the next date of hearing. He shall also produce before the Court the following:*
> *(i) List of members i.e., list of persons, who would be entitled to vote.*
> *(ii) Schedule for the election and the rules governing the same so that proper orders can be passed by this Court."*

10. Thereafter, the Returning Officer appeared before the Court on 9th October, 2025 and a submission was made that the elections of the Society had already been conducted in 2024 However, this fact was disputed by the Petitioner.

11. Further, on 9th October, 2025, ld. Counsel for the RCS had also submitted that the audits of the Society were completed. Accordingly, the Court had then directed that the audit reports be placed on record.

12. The Society had also submitted that the Petitioners had already transferred their property on 4th August, 2025 and accordingly, the locus of the Petitioners was also challenged.

13. Today, the Court has heard the Petitioner No.2, who is present in person, Mr. Gupta, ld. Counsel for the GNCTD and Mr. Akash Swami, ld. Counsel for the Society.

14. The RCS has also filed an affidavit through Mr. Satish Kumar Gupta, Assistant Registrar, RCS, stating that the audits of the Society have been completed and the audit reports for the years 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 have been placed on record.

15. In addition, the approval of the auditor M/s KARMV & Co. for the year

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2024-25 has also been placed on record.

16. The status of the audit reports is as under:

S. No.	Financial Year	Status
1.	2023-24	Received in time and no penalty was imposed.
2.	2022-23	Received late and penalty of Rs.1500/- was imposed under Rule 167 of DCS Rules 2007
3.	2021-22	Received in time and no penalty was imposed.
4.	2020-21	Received late and penalty of Rs.1500/- was imposed under Rule 167 of DCS Rules 2007.
5.	2019-20	Received in time and no penalty was imposed.

17. As can be seen from the above, the audits for the years 2019-20, 2021-22 and 2023-24 were received on time and no penalty was imposed. For the audits of the years 2020-21 and 2022-23, a penalty has been imposed by the RCS under Rule 167 of the DCS Rules 2007. Thus, insofar as the audits are concerned, the same are completed.

18. Since the elections of the Society have not yet been conducted and the Managing Committee has been in power for some time, it is deemed appropriate to direct the RCS to appoint an Administrator for three months, only for the purpose of conducting elections of the Society.

19. Let notice of elections be issued to all the members of the Society and a schedule be pasted on notice boards within the Society's premises.

20. After drawing up the electoral roll, the elections shall be conducted and completed, latest by 30th May, 2026.

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21. The Administrator, who shall also act as Returning Officer, shall conduct the elections in a free and fair manner, so that the Managing Committee is constituted in accordance with law.

22. Further, any individual having any grievances against the audit reports or the election of the Society is free to avail of its remedies in accordance with law. The prayer for declaring the Society as defunct is not tenable both due to *locus standi* as also due to the fact that the Audits have now been conducted and approved by the RCS.

23. The petition, along with the pending applications, is disposed of in the aforesaid terms.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 13, 2026
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