



\$~83

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

+ **W.P.(C) 14898/2022**

TRIPTA SHARMA & ANR.

.....Petitioners

Through: Mr. Tanmaya Mehta, Mr. Shivam Goel, Ms. Ramya S. Goel, Ms. Sanya Sharma and Mr. Jatin Dua, Advs.

versus

FINANCIAL COMMISSIONER, DELHI & ORS.Respondents

Through: Mr. Arvind K Nigam Sr. Adv. with Mr. Virendra K Singh & Mr. Pradyumn Rao, Advs. for R-3 to 6. Mr. Dhruv Rohatgi, Advs. (M: 9654209558)
Mr Dhruv Rohatgi, Panel Counsel GNCTD Ms Chandrika Sachdeva & Mr Dhruv Kumar, Advs. for GNCTD. Mr. Sandeep Kumar, Advocate for RCS.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **23.03.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners under Articles 226 and 227 *inter alia* seeking setting-aside of the orders dated 19th July, 2022 and 24th September, 2021 passed by the Respondent No.1 - Financial Commissioner, Delhi and order dated 24th January, 2013 passed by the Respondent No.2-Registrar of Cooperative Societies, Delhi (hereinafter



‘RCS’)

3. The dispute in this matter is in respect of an allotment, which was originally made to one Late Smt. Vijay Laxmi Sharma, who was the original member of the Respondent No.7-Delhi Union Cooperative House Building Society Ltd., (hereinafter ‘Society’) since the year 1965. She passed away on 27th September, 1978. Primarily, the Petitioners and the Respondent Nos. 3 to 6, are two sets of claimants to the said membership previously possessed by Late Smt. Vijay Laxmi Sharma.

4. The Respondent No.7 - Society, located in Pitampura, had ear-marked, a plot admeasuring approximately to the extent of 125 square yards in favour of Late Smt. Vijay Laxmi Sharma.

5. The Petitioners in this case are the Legal Representatives of the nephew of Late Smt. Vijay Laxmi Sharma. To elaborate, late Smt. Vijay Laxmi Sharma had a sister by the name Late Smt. Chand Rani Sharma, whose son was Mr. Surendra Sharma and he has passed away and survived by his wife and children who are the Petitioners herein.

6. Respondent Nos. 3 to 6 are the Legal Representatives of Late Mr. Sanjay Bhaskar, who is stated to be the nominee in the Society, of the original member i.e., Late Smt. Vijay Laxmi Sharma.

7. On 8th July, 2025, after hearing ld. Counsel for the parties and the Society, this Court observed as under:-

“5. Mr. Sri Bhagwan, the President of the Society is present in the Court and submits that pursuant to the direction vide order dated 12th January, 2023 the subject matter plot has been reserved in respect of these claimants. However, it is his contention that no maintenance has been paid in respect of the said plot for several years.



XXX XXXX XXXX XXXX

8. The litigation has been going on for more than 35 years. The order which is under challenge is the one passed by the Financial Commissioner dated 19th July, 2022, by which the Petitioners were non-suited.

9. In view of the protracted nature of the litigation and the complexity of the issues involved, **the Court, in the interest of facilitating an amicable resolution, has suggested that the membership and consequential allotment of the plot be made jointly in favour of both parties, thereby enabling them to either utilise or monetise the property jointly.** For the said purpose, Id. Counsel for both sides wish to seek instructions in the matter.

10. Let Id. Counsels for both the parties obtain instructions from their respective clients. The President of the Society shall also remain present to assist the Court on the next date of hearing.”

8. As can be seen from the above, Mr. Sri Bhagwan, the President of the Society was present in the Court and submitted that pursuant to the direction *vide* order dated 12th January, 2023 the subject matter plot had been reserved in respect of these claimants. However, it was his contention that no maintenance has been paid in respect of the said plot for several years. Further, a suggestion was made that both the factions could agree for a joint allotment to enable joint monetisation of the property.

9. Thereafter, on 3rd November, 2025, after hearing Id. Counsel for the parties, it was recorded as under:-

“1. We have perused the order dated 08th July 2025. As suggested in the said order, the private parties, except the society, are in agreement for the proportionate allotment of share.

2. That being so, we direct parties to appear before the Delhi High Court Mediation and Conciliation Centre



['DHCM&CC'] on 12th November, 2025 at 3:00PM.

3. Copy of the Order be sent to the Organizing Secretary, DHCM&CC for information and necessary compliance.

4. The office bearers of the society who are physically present in Court, also undertake to appear and submit their response.

5. We request that mediation to be completed within a period of three weeks thereafter.”

10. As can be seen from the above order, the matter was referred to the Delhi High Court Mediation and Conciliation Centre on the submissions made on behalf of the private parties that they are acceptable for the proposal of proportionate allotment of the shares in the plot. The Society was fully aware of the reference of the matter to Mediation.

11. Today, Id. Sr. Counsel and Counsel for the parties submit that the private parties have resolved their disputes and a settlement agreement has been entered into between the contesting groups on 10th February, 2026 under the aegis of Delhi High Court Mediation and Conciliation Centre. The settlement between the contesting groups has been recorded in paragraphs ‘A’ to ‘L’ and the same has been signed by all the parties as also the Id. Mediator and their respective Counsels.

12. As per the settlement agreement which has been executed, Mrs. Tripta Sharma has relinquished her right in the membership of late Smt. Vijay Lakshmi Sharma in favour of Ms. Kanika Sharma. Further, Mrs. Anju Bhaskar, Ms. Devyani Bhaskar and Mr. Tanuj Bhaskar have also relinquished their rights in the membership of late Smt. Vijay Lakshmi Sharma in favour of Ms. Nupur Bhaskar.

13. Accordingly, it has been agreed between the parties that Ms. Kanika



Sharma and Ms. Nupur Bhaskar shall be 50% owners of the shares of late Smt. Vijay Lakshmi Sharma. The remaining terms and conditions have been captured in detail in the settlement agreement.

14. It has also been agreed that the expenses towards transfer of membership, allotment of plot, conversion of plot from leasehold to freehold and any other expenses shall be borne by the two beneficiaries *i.e.* Ms. Kanika Sharma and Ms. Nupur Bhaskar.

15. The Court has perused the settlement agreement. The settlement terms are lawful and there is no impediment in recording the same. Accordingly, the settlement agreement is taken on record. The same shall be binding on all the signatories to the agreement including the two beneficiaries.

16. The Court has been informed that the Society was duly represented in the mediation proceedings. Mr. Sandeep Kumar, Id. Counsel for the Society submits that the Society would be willing to transfer membership of the plot which has been kept vacant, in view of Smt. Vijay Lakshmi Sharma's membership, jointly to Ms. Kanika Sharma and Ms. Nupur Bhaskar. However, all dues of the Society have to be cleared. In the opinion of this Court, the Society had a duty to participate actively in the Mediation proceedings and inform the parties of the dues if any and other formalities to be completed so that the settlement could be comprehensive. The society has deliberately stayed silent, despite being present and has now started raising issues relating to dues and other formalities to be completed. Needless to add, the Settlement would be liable to be given effect to by the Society.

17. Under these circumstances, the following directions are issued by this Court:-

- i) All the parties shall be bound by the settlement agreement dated



10th February, 2026.

- ii) The beneficiaries *i.e.*, Ms. Kanika Sharma and Ms. Nupur Bhaskar or their Authorised Representatives shall appear before the Society on **6th April, 2026** at **11.30AM**. On the said date, any responsible office bearer of the Society shall communicate the amount to be paid by the beneficiaries for transfer of the membership in favour of the beneficiaries. It is made clear that if any other formalities have to be completed, the same shall be concluded on the very same day.
- iii) The amount due shall be equally shared and deposited by the beneficiaries to the Society by 30th April, 2026. Upon the said deposit being made, the membership of the plot of late Smt. Vijay Lakshmi Sharma shall be transferred to the beneficiaries.
- iv) The Society shall send the names of the beneficiaries as joint allottees to the RCS along with an NOC. The said communication shall be sent by 15th May 2026. The RCS shall also recommend the name of the beneficiaries to the DDA for joint allotment in their favour by 15th May 2026.
- v) The DDA shall thereafter, issue the allotment in favour of the beneficiaries by 30th June 2026.
- vi) If the beneficiaries wish to convert the plot from leasehold to freehold they are free to approach the DDA for the same. The DDA shall expeditiously enable conversion, subject to completion of formalities and payment of conversion charges.

18. Needless to add, the beneficiaries are at liberty to move an application before this Court if the Society raises any unreasonable demand of dues or if the RCS or DDA do not give effect to this order in a timely manner.



19. The petition is disposed of in these terms. All the pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MARCH 23, 2026/MR/ck