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

\# **CNR No. DLHC010480882026**

\+ **W.P.(C) 14772/2026, CM APPL. 69237/2026, CM APPL. 69238/2026**

JUSTICE DHARNIDHAR JHA (RETD.) .....Petitioner

Through: Mr. Manish K Jha Sr. Advocate, Mr. Ashutosh Kumar Jha & Mr. Himanshu Mishra, Advs.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI AND ORS. .....Respondents

Through: Mr. Shashi Pratap Singh, Adv. for RCS.

Mr. Saurabh Kansal Ms. Aishani Narain, Mr. Raghav Vij, Mr. Manish Kumar & Mr. Suraj Kumar Jha, Advs. for R-3.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

O R D E R

% 27.10.2026

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*, seeking directions to the Respondents to take preventive measures and prompt action to stop the damage to the structure of Flat 120, Sadbhavana Apartments Plot No. 13, Indraprastha Extension, Patparganj, Delhi 110092 (hereinafter '*Flat No.120*').

3. The Petitioner is the owner of Flat No.120 which is directly below Flat No.122 which is in occupation by the Respondent 4-Mr. Kalicharan Vashishth and was previously owned by Respondent 5-Mrs. Vishakha. The allegation of the Petitioner is that there is enormous seepage and partial collapse of the

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sealing slabs with exposure of iron reinforcements of the bathroom attached to the bedroom. Some photographs have also been placed on record, the same are extracted below:



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4. It is the case of the Petitioner that he has repeatedly complained to New Young Associates Co-Op, G/H Society Ltd., Sadbhavana Apartments Plot

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No. 13, Patparganj, Delhi 110092 (hereinafter '*Society*') and to the residents of Flat No.122, however, despite repeated directions given by the society, the repairs have not been carried out by the said occupants of the said flat. Hence he has prayed in this writ petition that the Society ought to carry out its duties in terms of Rule 106 of the Delhi Cooperative Societies Rules, 2007 (hereinafter '*DCS Rules*').

5. Mr. Singh, ld. Counsel appearing for the RCS objects to the maintainability of the present writ petition on the ground that this is a private dispute between the Petitioner and the Respondent Nos. 4 and 5, and thus the appropriate remedies for the Petitioner would be filing a suit.

6. Ld. Counsel for the Petitioner has brought to the notice of the Court Rule 106 of the DCS Rules which requires the Society to act in a manner as set out thereunder, if any internal seepage or structural defects are found in any particular property.

7. After considering the writ petition and submissions as above, it becomes clear that this is a private dispute between the Petitioner and the Respondent Nos. 4 and 5.

8. However, the Society does have certain duties to undertake in terms of Rules 106 of the DCS Rules. The said Rule is set out below:

> *"**106. Management of co-operative housing complex by the co-operative housing societies.***
> *(1) It shall be the responsibility and duty of the committee to carry out the repairs works and maintenance of the property of the co-operative housing society. It shall also be the responsibility of the committee to ensure that the repairs works and maintenance are carried out as per the agreement.*
>
> *xxx*
>
> *(5)(a) Various items of the repairs, and maintenance*

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which are to be carried out by the Co-operative housing societies from its funds are mainly as under:

(i) Internal roads;
(ii) Compound wall;
(iii) External water pipe lines;
(iv) Water pumps;Water storage tanks;
(vi) Drainage lines;
(vii) Septic tank (where in use);
(viii) Staircases;
(ix) Fire fighting system;
(x) Structural repairs of roofs of all flats;
(xi) Outside walls/exterior of the building(s);
(xii) All leakages of water including leakage due to rain water and leakages due to external common pipe line and drainage line;
(xiii) Electric lines upto main switches in the flats and lightning of common areas;
(xiv) Lifts;
(xv) Damaged ceiling and plaster thereon in the top floors, on account of the leakage of the rain water through the terrace;
(xvi) Maintenance of parks and mandatory green areas;
(xvii) Facilities for household garbage collection in segregated form;
(xviii) Telephone exchange and telephone wires upto flats;
(xix) Security guard room;
(xx) Common Parking and garages;
(xxi) Power back up or Genset; and
(xxii) Any other common property/space/facility/service as prescribed by the General Body;

(b) The committee and its officers shall carry out regular inspection of the items mentioned in clause (a) and shall take immediate action for their repair and maintenance.

(c) Any complaint of a member or occupant in respect

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of items given in clause 4 shall be considered by the committee within a period of fifteen days and shall take suitable action as deem fit by it.

(d) The committee shall adhere to following principle for repair, maintenance and cleaning of items mentioned in clause 5

(i) Energy conservation, water conservation and water harvesting;

(ii) Protection of green areas;

(iii) To protect environment and health;

(iv) Scheduled routine maintenance ;

(v) To develop procedure to avoid accidents;

(vi) Minimize human exposure to harmful contaminates and cleaning residues;

(vii) Ensure building occupants and workers safety at all times;

(viii) Ensure waste management in environmentally safe ways;

(ix) Beauty and aesthetic sense of the complex; and (x) Prevention of pollution in the building and complex;

Note: In case any unauthorized work is carried out by a member or an occupant, the committee shall, if comes to the conclusion that the problem is due to the action of the member or occupant after informing this to the such a member or occupant, as the case may be carry out the repair work at his cost."

(6) All the repairs not covered by sub-rule (5) and any other item as approved by General Body or provided in the bye laws of the co-operative housing society shall be carried out by the committee at cost of member or occupant:

Provided that if due to internal change or damage there is any seepage or structural defect in another flat, the affected member/occupant may make a representation to committee, which shall carryout

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inspection of the flat within fifteen days and if it comes to the conclusion that the representation is correct, the committee shall advise the concerned member to take corrective steps immediately and if no action is taken within seven days, the committee shall initiate action for getting the defects removed if necessary by taking police assistance for it and approach the Registrar for the recovery of amount incurred thereon as arrears of the land revenue from the member, who had carried out internal changes which has caused harm to another flat."

9. Accordingly, in view of letters dated 22nd May, 2025 and 19th February, 2026, the Society has to take action in accordance with law and as per the Delhi Co-operative Societies Act, 2003 and the DSC Rules. The said letters are extracted as below:

Letter dated 22nd May, 2025



R. No. 364 Tel. : 011 - 4109 5241

NEW YOUNG ASSOCIATES CO-OP. G/H SOCIETY LTD.

PLOT NO.13, PATPAR GANJ, DELHI-110092
(SADBHAVANA APARTMENT)

Ref. No NYACGHS/25-26/45 E-mail: NYAA1[illegible]@gmail.com Dated 22-05-2025

President :
Sh. Avtar Singh Sahni
Vice President :
Sh. Ramesh Kumar Gupta
Secretory :
Smt. Suparna Khurana
Treasurer :
Smt. Bharti Malik
Executive Member :
Sh. Sadhu Ram Gupta
Sh. Virendra S. Rawal

To,

Sh. Rajendra Prasad Gaur,

Flat No. 122,

Sadbhavana Apartment.

Dear Sir,

We have got a written complaint from the owner of Flat no.120, Sh. Dharnidhar Jha,regarding the leakage from your flat from your Washroom area.

This is a serious matter and you are requested to address it as soon as possible. Again, you are requested to take this matter on priority basis.

The copy of the written complaint is enclosed herewith.

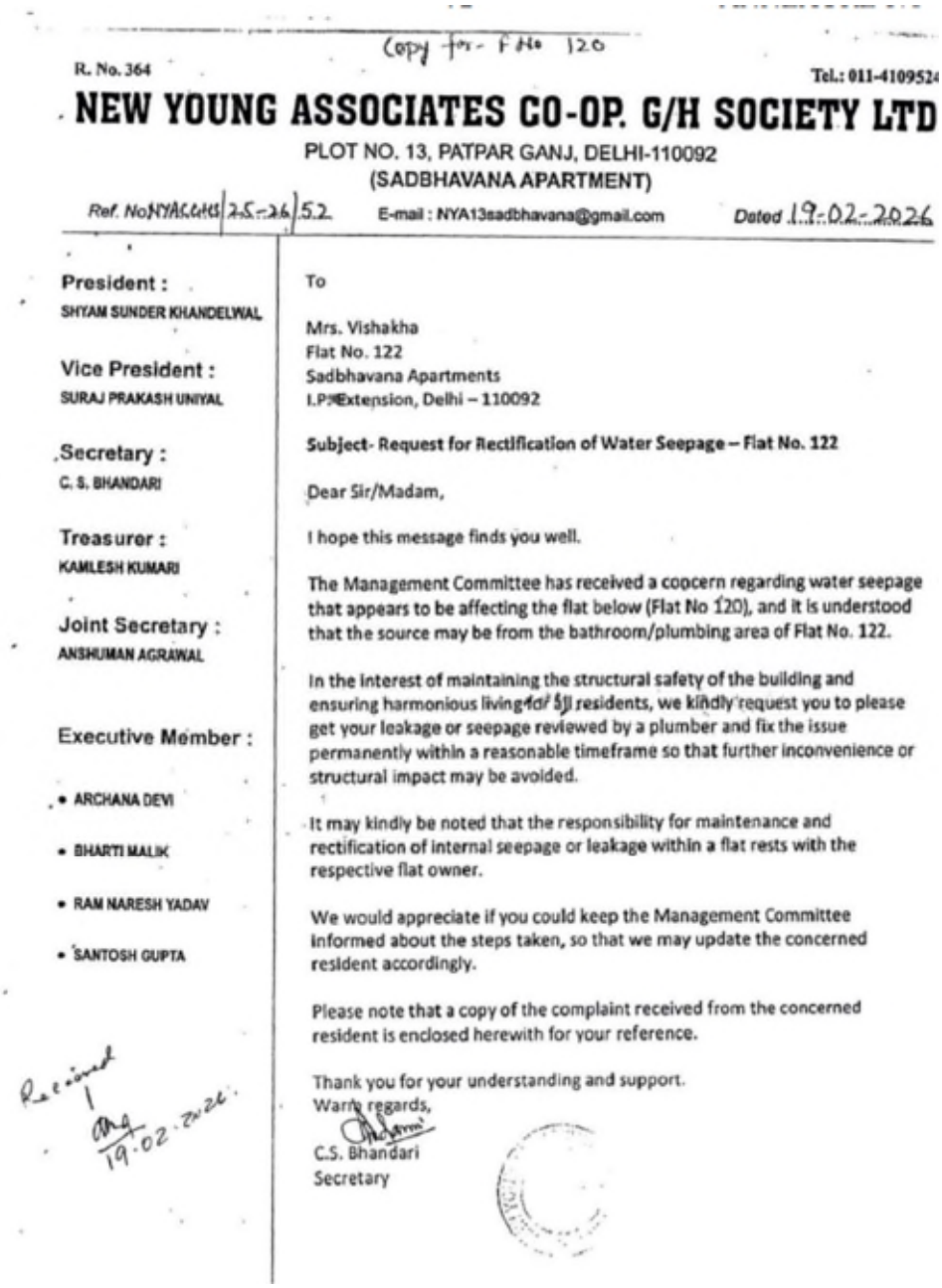
Thankingyou

Your's Faithfully

(Secretary)

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Letter dated 19th February, 2026



Copy for- File 120

R. No. 364 Tel.: 011-4109524

NEW YOUNG ASSOCIATES CO-OP. G/H SOCIETY LTD

PLOT NO. 13, PATPAR GANJ, DELHI-110092
(SADBHAVANA APARTMENT)

Ref. No.NYAC/HS/25-26/52 E-mail : NYA13sadbhavana@gmail.com Dated 19-02-2026

President :
SHYAM SUNDER KHANDELWAL

Vice President :
SURAJ PRAKASH UNIYAL

Secretary :
C. S. BHANDARI

Treasurer :
KAMLESH KUMARI

Joint Secretary :
ANSHUMAN AGRAWAL

Executive Member :
- ARCHANA DEVI
- BHARTI MALIK
- RAM NARESH YADAV
- SANTOSH GUPTA

Received
19.02.2026

To

Mrs. Vishakha
Flat No. 122
Sadbhavana Apartments
I.P. Extension, Delhi – 110092

Subject- Request for Rectification of Water Seepage – Flat No. 122

Dear Sir/Madam,

I hope this message finds you well.

The Management Committee has received a concern regarding water seepage that appears to be affecting the flat below (Flat No 120), and it is understood that the source may be from the bathroom/plumbing area of Flat No. 122.

In the interest of maintaining the structural safety of the building and ensuring harmonious living for all residents, we kindly request you to please get your leakage or seepage reviewed by a plumber and fix the issue permanently within a reasonable timeframe so that further inconvenience or structural impact may be avoided.

It may kindly be noted that the responsibility for maintenance and rectification of internal seepage or leakage within a flat rests with the respective flat owner.

We would appreciate if you could keep the Management Committee informed about the steps taken, so that we may update the concerned resident accordingly.

Please note that a copy of the complaint received from the concerned resident is enclosed herewith for your reference.

Thank you for your understanding and support.
Warm regards,

C.S. Bhandari
Secretary

A perusal of the above letters would show that the occupants of the Flat no.122 have been repeatedly requested to fix the leakage and seepage but it appears that steps may not have been taken.

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10. Considering the images which have been placed on record and perused by the Court, Society ought to take urgent action. If any police assistance is needed by the Society, the same shall be extended by the concerned police authorities.

11. However, if the Society does not take an action within two weeks from service of this order, the Petitioner is free to avail of his remedies in accordance with law.

12. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

DINESH BHATT, J.

OCTOBER 27, 2026
dj/as

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