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

Date of decision: 28th October, 2026
Uploaded on: 30th October, 2026

\# **CNR No. DLHC010515632026**

\+ **W.P.(C) 15825/2026**

SHRI JITENDER KUMAR GUPTA .....Petitioner

Through: Mr. Vishwa Aman Kandwal, Mr. Mohit Gupta, Mr. Amit Srivastava, Mr. Sachin Miglani, Advs.

versus

THE REGISTRAR OF COOPERATIVE SOCIETIES & ANR. .....Respondents

Through: Mr. Shashi Pratap Singh, Advocate for RCS

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 74018/2026 (for exemption)

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

W.P.(C) 15825/2026

3. The present petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the office order bearing ***REF. NO. CCTCS/03-20/STAFF/13955*** dated 2nd March, 2020 and office letter bearing ***REF. NO. CCTCS/ 03-2022/1618*** dated 2nd March, 2020 issued by the Respondent No.2-Capital Co-operative Thrift and Credit Society Ltd. *(hereinafter, 'the Society')*.

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4. The grievance of the Petitioner in the present case is that he had worked with the Society as Manager (Recovery). However, *vide* the impugned office order dated 2nd March, 2020, he was compulsorily retired from his services with effect from 31st March, 2020.

5. Aggrieved by the impugned office order dated 2nd March, 2020, the Petitioner had preferred a representation dated 19th January, 2021 *(hereinafter, 'representation')* to the Registrar of Cooperative Societies *(hereinafter, 'RCS')* seeking reconsideration and recall of the said order. Thereafter, the Petitioner had made other representations, however, no effective action was taken.

6. The further case of the Petitioner is that he had filed a writ petition being ***W.P.(C) 5043/2023*** titled ***'Sh. Jitender K. Gupta v. The Registrar Co-Operative Societies and Anr.'***. In the said case, *vide* order dated 16th August, 2023, the predecessor Bench of this Court had directed as under:

> *"[...] 5. We have been informed that the society is now being run by a management committee.*
>
> *6. Be that as it may, in view of the submission made by the learned counsel for petitioner that the issue needs to be looked into by the RCS, and the RCS, despite* ***the communication from the then Administrator, has not given directions, it is appropriate for us to direct the Registrar to consider the representation dated January 19, 2021 made by the petitioner at annexure P-10 and pass appropriate orders in accordance with law.***
>
> *7. We may also state that the plea of the learned counsel for the RCS by referring to the judgment of the Supreme Court* ***in Maharashtra State Cooperative Housing Finance Corporation Ltd. vs. Prabhakar Sitaram Bhadange in Civil Appeal No. 1488/2017, decided on***

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> ***March 30, 2017 is concerned, we are of the view that it would be appropriate that RCS shall also consider the law, in view of Section 70(2) of the Act as to whether the dispute (if any) is referable to Arbitrator and pass appropriate orders within a period of six weeks as an outer limit.***
>
> *8. Petition along with pending application stands disposed of."*

7. As can be seen from the above order, the Court had directed the RCS to consider the representation of the Petitioner and to examine the issue in respect of Section 70(2) of the Delhi Cooperative Societies Act, 2003 *(hereinafter, 'the Act')*.

8. The grievance of the Petitioner in the present petition is that the RCS did not comply with the order dated 16th August, 2023, despite repeated representations being made by the Petitioner and reminders being sent.

9. The Court has considered the matter. One of the grounds raised is that a dispute between an employer and an employee, where the employer is a Society, is not arbitrable.

10. Ld. Counsel for the parties have pointed out Section 70 of the Act to the Court, which reads as under:

> *"**70. Disputes which may be referred for arbitration.***
> *(1) Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of a co-operative society other than a dispute regarding disciplinary action taken by the cooperative society or its committee against a paid employee of the co-operative society arises -*
>
> *(a) among members, past members and persons*

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claiming through members, past members and deceased members; or

(b) between a member, past member or person claiming through a member, past member or deceased member and the co-operative society, its committee or any officer, agent or employee of the co-operative society or liquidator, past or present; or

(c) between the co-operative society or its committee and any past committee, any officer, agent or employee, or any past officer, past agent or past employee or the nominee, heirs or legal representatives of any deceased officer, deceased agent, or deceased employee of the co-operative society; or

(d) between the co-operative society and any other co-operative society, between a co-operative society and liquidator of another co-operative society or between the liquidator of one co-operative society and the liquidator of another co-operative society;

such disputes shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceedings in respect of such disputes.

(2) If any question arises whether a dispute referred to the Registrar under this section is or is not a dispute touching the constitution, management or the business of a co-operative society, the decision thereon of the Registrar shall be final and shall not be called in question in any court."

11. The Court has also perused the decision considered by the Court *vide* order dated 16th August, 2023 being ***Civil Appeal No. 1488/2017*** titled ***The Maharashtra State Cooperative Housing Finance Corporation v.***

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Prabhakar Sitaram Bhadange, wherein, in the context of Section 91 of the Maharashtra Co-operative Societies Act, 1960 the Supreme Court had held that the service dispute between employees of co-operative society and the management is not covered by Section 91 of the Act.

12. Be that as it may, the order dated 16th August, 2023, passed earlier by this Court, was clear to the effect that the RCS has to take a decision and pass appropriate orders within six weeks, which was set as an outer limit.

13. However, the order dated 16th August, 2023 has not been complied with by the RCS, despite repeated representations made by the Petitioner.

14. Under such circumstances, the Court is inclined to direct the RCS to refer the dispute to arbitration under Section 70 of the Act.

15. The question as to whether the dispute is arbitrable or not shall be considered by the Ld. Arbitrator itself.

16. The reference for arbitration shall be made by the RCS within a period of one month from this order.

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

OCTOBER 28, 2026/ss/sm

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