

**BEFORE DELHI COOPERATIVE TRIBUNAL
GOVT. OF NCT OF DELHI
VIKAS BHAWAN, GROUND FLOOR, DELHI**

DAILY ORDERS

Order of 10.01.2025

Appeal No. 143/2024/DCT

10.01.2025

Present: Sh. Sanjeev Kumar, Adv. for the Appellant appears through VC.

It is noticed that the appeal is patently time-barred. Ld. Counsel seek adjournment to move an application for condonation of delay.

Adjourned to 10.02.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 144/2024/DCT

10.01.2025

Present: Sh. Sanjeev Kumar, Adv. for the Appellant appears through VC.

It is noticed that the appeal is patently time-barred. Ld. Counsel seek adjournment to move an application for condonation of delay.

Adjourned to 10.02.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 145/2024/DCT

10.01.2025

Present: Sh. Sanjeev Kumar, Adv. for the Appellant appears through VC.

It is noticed that the appeal is patently time-barred. Ld. Counsel seek adjournment to move an application for condonation of delay.

Adjourned to 10.02.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 146/2024/DCT

10.01.2025

Present: Sh. Sanjeev Kumar, Adv. for the Appellant appears through VC.

It is noticed that the appeal is patently time-barred. Ld. Counsel seek adjournment to move an application for condonation of delay.

Adjourned to 10.02.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

10.01.2025

Present: Sh. Joginder Kumar, Adv. for the Appellant.

Fresh appeal filed on 30.12.2024. Be checked and registered.

Quorum is not complete.

Issue notice in the application for condonation of delay as well as in the main appeal to R1 only on filing of PF/RC, dasti within one week from today, returnable on 25.02.2025.

Notice be given dasti to the Ld. Counsel for the Appellant.

**(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)**

Review Petition No. 001/2024/DCT

10.01.2025

Present: None.

Adjourned to 12.02.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 047/2024/DCT

10.01.2025

Present: A.I. Warghese, President of the Appellant Society with Sh. Krishan Kumar, Adv. and Sh. Amit Minocha, Adv. appears through VC.

None for the respondent.

Arguments cannot be heard as the quorum is not complete.

Adjourned for arguments to 01.05.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 056/2024/DCT

10.01.2025

Present: Appellant in person with Sh. Anubhav Bhardwaj,
Adv.

Sh. Rajvardhan Upadhyay, Adv. for R1 Society.

Quorum is not complete.

More time is sought by the Ld. Counsel for the Appellant to
serve R2.

Let fresh notice be issued to R2 on filing of PF, dasti with
liberty to the appellant to affix notice on the main gate of R2 in
case of his/her non availability at the addresses mentioned.

Notice returnable on 07.03.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

**BEFORE DELHI COOPERATIVE TRIBUNAL
GOVT. OF NCT OF DELHI
VIKAS BHAWAN, GROUND FLOOR, DELHI.**

Appeal No. 106/2024/DCT

In the matter of :

Sh. Ravish Kumar

...Appellant

Vs.

The Sahu Coop. U/T/C Ltd. & Ors.

...Respondents

10.01.2025

Present: Appellant in person with Sh. Inderjeet Kumar Mishra, Adv.

Sh. Raj Kumar Sahu, AR of the Respondent Society.

Sh. Mishra submits that the entire settled amount has been paid. Sh. Sahu has handed over a copy of N.O.C to the Appellant before the Tribunal.

Heard.

In view of the N.O.C having been issued, Sh. Mishra does not press the appeal and the same is accordingly disposed as not pressed.

File be consigned to record room.

2nd set be weeded out forthwith.

A copy of this order be sent to RCS, and TCR if any, be sent back to the concerned branch of RCS.

A copy of this order be given dasti to the parties.

**(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)**

10.01.2025

Present: Appellant in person with Sh. Inderjeet Kumar Mishra, Adv.

Sh. Raj Kumar Sahu, AR of the Respondent Society.

Sh. Manmohan Kumar, one of the guarantors is present.

Sh. Mishra submits that the principal borrower passed away on 14.10.2023 and the present appeal is filed by the widow of the principal borrower. The appellant had no knowledge of loan and had actually not availed the same. Nonetheless, she has arranged an amount of Rs.4,64,223/- towards the loan. He submits that amounts of Rs.5,111/- has been deducted from the salary of guarantor namely Sh.Manmohan Kumar, who is present before the Tribunal, on seven (07) occasions.

Sh. Mishra, counsel for the appellant, therefore, submits that amount deducted from the salary of Sh. Manmohan Kumar, Guarantor and the DD of Rs.4,64,223/- brought today be taken as full & final settlement of the loan account.

Sh. Raj Kumar Sahu, AR of the Respondent Society has strongly opposed the prayer. It is submitted that amount is awarded around Rs.6.5 lakhs, vide order dated 17.05.2022. He submits that the society is entitled to roughly Rs. 9,46,705/-. However, this Tribunal is of the opinion that considering the fact Principal Borrower has passed away and the widow is uneducated & unemployed, therefore, the amount arranged by her should be considered by the respondent/ society to be full & final satisfaction of the loan account.

However, the CD money, share money & OD money be all permitted to be appropriated by the society towards the aforesaid loan account.

Demand draft bearing no.-420047 dated 06.01.2025 for an amount of Rs.4,64,223/- is handed over to the AR of the respondent/ society with the expectation that the NOC shall be issued within two weeks from today.

At this stage, AR of the respondent/ society prays that necessary directions be issued to Asst. Collector Grade-I, office of RCS to waive off the surcharge of 5 %.

Heard.

The prayer for wavier of 5% Surcharge is allowed. A division Bench of the Hon'ble High Court of Delhi in ***W.P.(C) 2836/2018 titled as Kaushalaya Devi &Ors. Vs. Delhi Nagrik Sehkari Bank Ltd., decided on 02.12.2021***, has held that where the judgement debtor makes payment directly to the decree holder, no surcharge is to be paid to the office of RCS. Therefore, the amount, which has been paid out of Court, directly by the appellant to the respondent bank is not liable to any surcharge.

Contd...

...Contd

In view of the same, further recovery from the salary of Sh. Manmohan Kumar, Guarantor (MTS, R.5676) working in UPSC, shall remain stayed till further orders.

Copy of this order be given dasti to both the parties.

Adjourned for placing on record the N.O.C on 07.02.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 137/2022/DCT

10.01.2025

Present: Sh. R.K. Gupta, Adv. for the Appellant.

Respondent Sh. Ahmer Hassan in person and Sh. S.K. Sharma, Adv. appears through VC.

Quorum is not complete.

Sh. Gupta submits that he has instructions not to seek any amendment in the appeal. Therefore, he does not seek any further opportunity to amend the appeal.

Adjourned to 24.03.2025 for arguments along with other connected cases.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 145/2022/DCT

10.01.2025

Present: Sh. Pankaj Gupta, Adv. for the Appellant Society appears through VC.

Sh. Rajiv Vig, Adv. for R1 appears through VC.

Quorum is not complete.

Adjourned for arguments to 02.05.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 022/2018/DCT

10.01.2025

Present: Sh. Dilip Singh, Adv. for the Appellant.

Sh. Pawan Kumar, AR of the Respondent Society and Sh. Sandeep Kumar, Adv. appears through VC.

Quorum is not complete.

Adjourned to 06.05.2025 for arguments.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 030/2024/DCT

10.01.2025

Present: Ms. Binu Singh, Adv. for the Appellant appears through VC.

Sh. Pawan Kumar, AR of the Respondent Society and Sh. Sandeep Kumar, Adv. appears through VC.

Quorum is not complete.

R3 stands served. However, none has appeared on behalf of R3. One more opportunity is sought by the Appellant to serve R3.

Heard.

Let fresh notice be issued to R3 on filing of PF, dasti with liberty to the appellant to affix notice on the main gate of R3 in case of his/her non availability at the addresses mentioned.

Notice returnable on 04.04.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

10.01.2025

Present: Sh. Mayank Bamniyal, Adv. for the Appellant appears through VC.

Sh. Mahesh Chand, AR of R2 Society and Sh. Sandeep Kumar, Adv. appears through VC.

Quorum is not complete.

Sh. Joginder Singh, Sr. Assistant from the o/o RCS has appeared and sought more time to trace the record failing which AR shall be present in person to explain as to why record is not being produced.

Adjourned to 27.03.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

10.01.2025

Present: Appellant in person and Sh. Shekhar Kaushik, Adv. through VC.

Sh. N.K. Bhatnagar, Adv. for the Respondent Bank appears through VC.

Quorum is not complete.

Ld. Counsel for the Bank submits that the property has been sold off though the sale is yet to be confirmed. He undertakes to inform the Tribunal on the adjourned date about the amount received from the sale consideration by the society.

Adjourned to 30.05.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

10.01.2025

Present: Sh. R.K. Gupta, Adv. for the Applicant.

File taken up on an application UO39R4CPC for vacation of interim stay. In the aforesaid application, it is however, noticed that the application has been moved on behalf of two person namely Sh. Ravinder Singh and Sh. Krishan Pal. However, none of them is a party to the appeal.

Sh. Gupta points out that appellant has not impleaded any private respondents, i.e. the persons of the Managing Committee who are affected by the present appeal.

Let appropriate application be moved UO1R10CPC seeking to implead affected/interested parties to the present appeal.

Adjourned to 15.01.2025.

The date of 24.01.2025 stands cancelled.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)