

GOVT. OF NATIONAL CAPITAL TERRITORY DELHI
IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001

F.No.47/ARCS//Sec-III/GH/WPC 7607/2023 / 2024 - 28

Dated: 4/8/26

ORDER

This order shall dispose off the proceedings initiated vide Notice dated 19.09.2023 in compliance of Financial Commissioner its order dated 28.07.2022 with direction to Registrar Cooperative Societies may look into the matter in accordance with Section 77 of DCS Act 2003 and take further necessary steps.

Background of the Case:

The petitioner Sh. H.R. Arya was a member of respondent Cooperative Group Housing Society and had been making payments towards allotment of a flat. However, vide order dated 24.04.1995, respondent society directed members alleged to be in default to clear dues by 30.06.1995, failing which they were to be deemed expelled from membership. The petitioner contends that his dues were wrongly reflected by the Society and that despite repeated requests, no correct statement of account was ever supplied.

Aggrieved by the said order, the petitioner preferred an appeal before the Financial Commissioner, Delhi, which was allowed vide order dated 02.04.1996. The Society was directed to furnish the exact outstanding dues within seven days and the petitioner was to clear the same within twenty-one days thereafter. Despite repeated visits and written communications, the Society failed to comply and instead stated that no vacancy was available, compelling the petitioner to initiate contempt proceedings.

The Society challenged the appellate order before the Hon'ble High Court in W.P.(C) No. 2586/1996. During pendency of the writ petition, this Hon'ble Court directed the Society on 20.09.1996 to keep one flat reserved for the petitioner, if available. It is alleged that during the pendency of proceedings, vacancies were filled and other members were inducted despite the petitioner's pending claim.

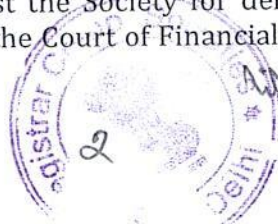
The writ petition was ultimately dismissed as withdrawn on 12.08.2009 with direction to maintain status quo ante. Thereafter, contempt proceedings were revived. The petitioner repeatedly tendered payments, including amounts in 2009 and thereafter, but the Society neither accepted the payments nor disclosed exact dues despite further directions issued by the Financial Commissioner in 2015.

Subsequently, the Society expressed willingness to settle the matter by offering allotment of a flat of a different category, subject to payment of balance amount with interest. Finally, vide order dated 28.07.2022, the Financial Commissioner directed the Registrar of Cooperative Societies to examine the matter under Section 77 of the Delhi Cooperative Societies Act, 2003 and take necessary steps to render long delayed justice to the petitioner through a speaking order after hearing both sides.



Submission of the applicant:

1. The applicant submitted that he became a member of Jatav Cooperative Group Housing Society Ltd. bearing Membership No. 165 and had applied in the year 1984 for allotment of a 2 BHK flat in Category-B admeasuring 69.68 sq. metres. It is stated that he made payments towards the construction cost of the flat from time to time, totaling Rs. 2,18,600/-, along with Rs. 29,000/- towards penal interest. According to him, up to January 1995 he had deposited Rs. 1,71,000/-, followed by Rs. 29,000/- on 20.05.1995 and Rs. 29,000/- towards penal interest on 28.05.1995. It is further claimed that Demand Draft No. 070856 dated 01.11.1995 for Rs. 70,000/-, drawn on Vijaya Bank, Defence Colony, New Delhi, was tendered but not accepted by the Society, and that with these payments he had cleared the entire demand amounting to Rs. 2,70,000/- vide letter dated 31.10.1995. It is further submitted that thereafter, upon a representation made by the Society regarding outstanding payments of certain members, order dated 24.04.1995 was passed directing such members to clear their dues by 30.06.1995, failing which they were to be deemed expelled from the membership of the Society.
2. The applicant further submitted that after passing of order dated 24.04.1995, the Society did not issue any proper demand letter intimating the actual outstanding dues despite several requests made by him seeking details of dues and progress of construction for obtaining a loan from his office. It is stated that a demand letter dated 29.07.1995 was subsequently received by him in August 1995 only in respect of a Category-C flat. According to the applicant, he thereafter tendered a demand draft of Rs. 70,000/-, which was not accepted by the Society, and instead the Society issued letter dated 17.10.1995, whereupon the demand draft was submitted before this Hon'ble Court. It is further alleged that the Society had wrongly reflected his dues before this Hon'ble Court along with other defaulting members and, despite repeated reminders, did not intimate the correct dues payable by him, compelling him to file an appeal against the order dated 24.04.1995.
3. The applicant further submitted that the Hon'ble Financial Commissioner, Delhi, vide order dated 02.04.1996, allowed his appeal and directed that he shall approach the Society, whereupon the Society was to intimate the entire outstanding dues within seven days, and the applicant was to clear the same within a further period of twenty-one days thereafter. It is stated that immediately after the said order, he approached the Society office on 03.04.1996 and again on 04.04.1996 and 06.04.1996 requesting the office bearers to intimate the outstanding amount, but no response was given. It is further submitted that he thereafter sent a letter dated 09.04.1996 through UPC/Speed Post to the Secretary/President of the Society, but instead of complying with the order, the Society replied that no vacancy was available and that it was not possible to comply with the order within the prescribed period. According to the applicant, despite his readiness to clear the dues, the Society inducted new members and accepted payments from them. It is further alleged that after the order dated 02.04.1996, the Society collected approximately Rs. 4,72,000/- from newly enrolled members while refusing to intimate the final dues payable by him and denying allotment on the ground of non-availability of vacancy.
4. That finding no other option, the deponent filed an application seeking initiation of contempt proceedings against the Society for deliberate non-compliance of order dated 02.04.1996 passed by the Court of Financial Commissioner, Delhi. Thereafter,



the Society filed W.P.(C) No. 2586/1996 before the Hon'ble High Court of Delhi challenging the said order. During the pendency of the writ petition, vide order dated 20.09.1996, the Hon'ble High Court directed the Society to keep one flat reserved for the deponent, if available, and at that time draw of lots for the remaining flats had not been held. It is further submitted that as per affidavit dated 30.07.1999 filed by Sh. Tejbir, Honorary Secretary of the Society, the remaining two vacancies were filled on 28.07.1996 after the order passed by the Financial Commissioner. Another affidavit filed by Sh. Laxmi Chand, President of the Society, stated that the Registrar, vide suo-motu order dated 18.02.1998, had put in abeyance the approval of the junior-most member enrolled for allotment of MIG category flat.

5. That the aforesaid writ petition filed before the Hon'ble High Court was dismissed as withdrawn vide order dated 12.08.2009 with the direction that status quo ante be maintained. Thereafter, this Hon'ble Court vide letter dated 06.10.2009 called upon the President/Secretary of the Society to consider the representation of the deponent, take necessary action and submit an action taken report within seven days. The deponent had also sent a letter along with cheque of Rs. 2,77,000/- in favour of the Society towards tentative balance cost of "B" category flat and requested the Society to intimate any further outstanding amount so that the same could be paid. Subsequently, the deponent filed an application under Section 151 CPC before the Court of Financial Commissioner seeking revival of the contempt application, which was revived vide order dated 02.07.2013.
6. That vide order dated 21.08.2015, the Court of Financial Commissioner, Delhi directed the Society to intimate the exact outstanding dues within three weeks, whereafter the deponent was to make payment within one week. On 05.11.2015, the deponent submitted that he had already tendered Rs. 3,21,400/- by cheque, which the Society did not encash. The Court observed non-compliance of its earlier orders dated 02.04.1996 and 21.08.2015, granted last opportunity to the Society to intimate exact dues within ten days, but the Society deliberately failed to comply.
7. That the Society enrolled several members after the order dated 02.04.1996 and even after a vacancy arose in the year 2001 due to resignation of a member, the flat was not allotted to the deponent despite his continuous follow-up. During pendency of the contempt proceedings, the Society expressed willingness to settle the dispute by offering a flat of different category, presently being used as its office, subject to payment of balance amount with 6% interest, and also sought directions from DDA and RCS for the same. It is submitted that the Society has deliberately delayed compliance of the orders of the Court of Financial Commissioner, flouted the said orders, and prolonged the matter, due to which the deponent has been pursuing relief for more than 28 years. The deponent further submits that he had received only one notice dated 19.04.2023 and, upon learning of subsequent proceedings, has appeared before this Hon'ble Court and is ready to furnish all necessary documents. The deponent is a rightful member of the Society and is entitled to allotment of a flat in terms of the orders passed by the Financial Commissioner.

Submissions of Society

1. It is submitted that the issues raised by Sh. H.R. Arya in the present written submissions involve disputed questions of fact, including determination of alleged outstanding dues and the category of flat for which he was enrolled. Such matters,

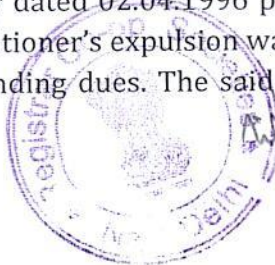


requiring examination of documents and evidence, could only have been adjudicated through arbitration under the Delhi Cooperative Societies Act, 1972. Hence, the present claim seeking handing over possession of a flat is stated to be misconceived and liable to be rejected.

2. Without prejudice to the rights and contentions of the undersigned, it is submitted that before issuance of notice of expulsion, Sh. H.R. Arya was served with several demand notices for payment of dues, which he failed to clear. Even after order dated 24.04.1995 passed by the Registrar Cooperative Societies, Delhi granting him liberty to deposit outstanding dues by 30.06.1995, he allegedly failed to make payment despite admitting outstanding dues of Rs.60,000/- in his own pleadings.
3. It is further submitted that the averments of Sh. Arya are misleading, as the demand raised against him as on 18.02.1995 was Rs.2,55,460/-. Instead of clearing the dues, he allegedly kept raising queries regarding progress of construction, total cost of flat, demand calculations and audit reports. Though he claims to have deposited Rs.70,000/- with the Registrar Cooperative Societies, no proof of such deposit was allegedly furnished before the Society.
4. According to the Society, the conduct of Sh. Arya shows that he was delaying payment and had no intention to clear the outstanding amount despite repeated demands, lastly intimated on 29.07.1995. It is also submitted that he has failed to establish the category of flat for which he was registered. While he now claims entitlement to Category "B", the demand notice dated 29.07.1995 allegedly shows him as a Category "C" member, for which Rs.60,000/- remained payable.
5. The Society further states that Sh. Arya later sought allotment of a Category "B" flat by tendering cheque of Rs.3,21,400/-, which was not accepted. Vide letter dated 24.08.2009, he was informed that the cost of a Category "B" flat in the year 1997 was Rs.5.40 lakhs. It is contended that no document has been produced by him either in earlier appeal proceedings or in the present case to show that he was ever registered for a Category "B" flat.
6. It is lastly submitted that Sh. Arya remained a persistent defaulter and failed to deposit dues despite repeated opportunities. After lapse of about 28 years, no relief can be granted as no vacant flat remains in the Society and all flats were allotted long ago. Reliance is placed on observations recorded in order dated 02.04.1996 that another member had already been enrolled in place of the appellant and no vacancy remained to accommodate him.

Rejoinder of the petitioner

1. That the objections raised by the Society are misconceived and contrary to the record. No fresh disputed question of fact arises, as the principal issue already stands determined by the order dated 02.04.1996 passed by the Hon'ble Financial Commissioner, whereby the petitioner's expulsion was set aside and the Society was directed to intimate the outstanding dues. The said order remains binding, as the



Society's writ petition against it was later withdrawn and disposed of by the Hon'ble High Court on 12.08.2009 with direction to maintain *status quo ante*.

2. That despite clear directions dated 02.04.1996 requiring the Society to supply the entire outstanding demand within seven days, the Society has never complied with the said order till date. The petitioner repeatedly approached the Society personally and through letters, yet no final demand was ever supplied, thereby frustrating compliance.
3. That the allegation that the petitioner was avoiding payment is false and baseless. The petitioner was always ready and willing to clear the dues, but the Society deliberately withheld the exact outstanding amount. Even payments and cheques tendered by the petitioner from time to time were not accepted.
4. That the Society wrongly relies upon events prior to 02.04.1996, though all such issues stood superseded after the Financial Commissioner set aside the earlier order dated 24.04.1995. Therefore, prior notices and alleged defaults cannot now be revived.
5. That the petitioner is an admitted member of the Society bearing Membership No. 165. The Society itself is custodian of all membership records and cannot now create confusion regarding the category of flat. The petitioner applied for Category-B flat, which also stands reflected in the Society's own pleadings and later applications.
6. That affidavits filed by office bearers of the Society before the Hon'ble High Court clearly showed availability of vacant flats, including vacancies in Category-B, and also reflected that allotment of junior-most members had been kept in abeyance. This disproves the Society's plea that no flat was available.
7. That even during later proceedings, the Society itself offered to allot to the petitioner a vacant Category-B flat presently being used as Society office, subject to payment. This itself amounts to acknowledgment of the petitioner's entitlement and availability of accommodation.
8. That after the order dated 02.04.1996, the Society inducted new members and made further allotments without first complying with the lawful directions in favour of the petitioner. Such conduct was deliberate and intended to defeat the petitioner's legitimate claim.
9. That the Society has failed to place any document showing compliance of the order dated 02.04.1996 or the subsequent direction of the Hon'ble High Court to reserve one flat for the petitioner. Non-compliance throughout reflects mala fide conduct.
10. In these circumstances, it is respectfully prayed that the Society be directed to allot and hand over possession of a Category-B flat to the petitioner at the earliest, upon payment of dues as legally determined, in the interest of justice.

Reply to Rejoinder filed by Petitioner

1. That the rejoinder filed by the petitioner is false, misconceived and liable to be rejected. The disputes raised relate to alleged outstanding dues, membership status



and category of flat, which involve disputed questions of fact requiring evidence and adjudication under Section 70 of the Delhi Cooperative Societies Act, 1972, and cannot be decided in summary proceedings.

2. That it is admitted that the petitioner was earlier a member of the Society bearing Membership No. 165, but he persistently defaulted in payment of dues despite repeated demand notices and reminders issued by the Society from time to time.
3. That on proposal of expulsion of defaulting members, the Registrar Cooperative Societies vide order dated 24.04.1995 granted final opportunity to the petitioner and other defaulters to clear dues by 30.06.1995, failing which they were to be deemed expelled. The petitioner failed to comply, and consequently ceased to be a member.
4. That even thereafter, the Society issued further demand notice dated 29.07.1995 granting another opportunity, but the petitioner again failed to deposit the demanded amount. Thereafter, the membership vacancy was dealt with in accordance with law and Society rules.
5. That though the petitioner filed an appeal before the Financial Commissioner, the order dated 02.04.1996 specifically required him to approach the Society within seven days and thereafter clear dues within twenty-one days. The petitioner did not comply with these directions and merely sent letters beyond the stipulated period.
6. That the allegation that the Society never informed the petitioner of outstanding dues is denied. Demand notices and communications dated 18.02.1995, 29.07.1995, 30.04.1996, 16.11.1996 and other letters clearly informed him of dues and construction costs, but he failed to make payment.
7. That the petitioner has taken contradictory stands regarding flat category. Earlier records and demand notices related to Category-C flat, whereas subsequently he began claiming entitlement to Category-B flat without producing any documentary proof in support of such claim.
8. That the petitioner's claim of depositing Rs.70,000/- with the Registrar Cooperative Societies is unsupported by proof and, in any case, such deposit would not amount to payment of dues to the Society. Likewise, later tender of cheque for a different category flat did not create any right in his favour.
9. That there is no vacant flat available in the Society. All flats stand allotted long ago, while Flat No.108 is being used for Society office/meeting purposes. Present members have been in settled possession for decades, and their lawful rights cannot be disturbed on the basis of stale and disputed claims.
10. That the Society has acted bona fide and in accordance with law at all times, whereas the petitioner has repeatedly defaulted and prolonged the matter through baseless allegations. It is therefore respectfully prayed that the rejoinder and claims of the petitioner be dismissed in entirety and no relief be granted.



Observations and Findings

I have carefully considered the pleadings of the applicant, the written submissions of the respondent Society, the rejoinder and reply thereto, the documents placed on record, as well as the orders passed by the Hon'ble Financial Commissioner and the Hon'ble High Court of Delhi.

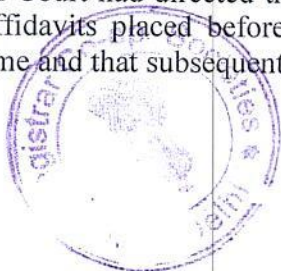
The foremost aspect emerging from the record is that the present proceedings are not intended to re-adjudicate the dispute that already stood decided by the Hon'ble Financial Commissioner vide order dated 02.04.1996. Rather, these proceedings arise pursuant to the subsequent order dated 28.07.2022 whereby the Hon'ble Financial Commissioner specifically directed the Registrar Cooperative Societies, to examine the matter under Section 77 of the Delhi Cooperative Societies Act, 2003 and to take appropriate steps by passing a speaking order after hearing both parties. Consequently, the findings recorded by the Hon'ble Financial Commissioner, having attained finality, cannot now be reopened or indirectly nullified by the respondent Society.

The order dated 02.04.1996 clearly cast reciprocal obligations upon both parties. The respondent Society was directed, in the first instance, to intimate the exact outstanding dues payable by the applicant within seven days of his approaching the Society, and only thereafter was the applicant required to deposit such dues within twenty-one days. Thus, the obligation of the applicant to make payment was contingent upon prior compliance by the Society. Unless the exact amount payable was communicated, the applicant could not reasonably be expected to discharge an indeterminate liability.

The record reveals that immediately after the order dated 02.04.1996, the applicant approached the Society on several occasions and also addressed written communications requesting intimation of the exact outstanding amount. Despite repeated opportunities over several years, including further directions issued by the Hon'ble Financial Commissioner in 2015, the respondent Society has failed to produce any cogent and convincing evidence establishing that it ever complied with the mandatory direction to furnish a final statement of account in accordance with the order dated 02.04.1996. Mere reliance upon demand notices issued prior to the appellate order or upon tentative demands cannot be construed as compliance with the specific judicial direction requiring determination and communication of the exact outstanding dues.

The defence of the Society that the applicant was a habitual defaulter also does not merit acceptance. The issue of alleged default stood substantially addressed by the Hon'ble Financial Commissioner while allowing the appeal. Once the order dated 24.04.1995 was set aside and a fresh mechanism for determination and payment of dues was prescribed, the earlier allegations of default ceased to constitute an independent ground for denying the applicant the benefit of the appellate order. The Society was under a legal obligation to faithfully implement the directions of the appellate authority rather than continue to rely upon the very allegations that had already been examined.

Equally significant is the conduct of the respondent Society during the pendency of the proceedings. The material available on record indicates that subsequent inductions and allotments were made even while the applicant's rights remained protected under the order of the Hon'ble Financial Commissioner and during the pendency of proceedings before the Hon'ble High Court. The Hon'ble High Court had directed the Society to keep one flat reserved for the applicant, if available. The affidavits placed before the Court further indicate that vacancies existed at different points of time and that subsequent allotments were made. The Society has not



produced any satisfactory explanation demonstrating strict compliance with the spirit and intent of the judicial directions while making such allotments.

The plea of the Society that no vacancy presently exists cannot, by itself, defeat a lawful claim arising from prolonged non-compliance with binding judicial orders. A cooperative society, being a body governed by statutory obligations and cooperative principles, is expected to act fairly, transparently and in good faith. It cannot derive advantage from its own failure to implement orders passed by competent authorities. Acceptance of such a plea would permit a defaulting society to frustrate judicial directions merely by allowing time to lapse and by filling available vacancies during the pendency of litigation, a consequence that is wholly inconsistent with the rule of law and settled principles of equity.

The objection that the matter ought to have been referred for arbitration is also devoid of merit. The present proceedings do not involve adjudication of a fresh inter se dispute regarding membership or recovery of money. The Registrar is exercising jurisdiction strictly in terms of the specific directions issued by the Hon'ble Financial Commissioner under Section 77 of the Delhi Cooperative Societies Act, 2003 to examine the consequences of prolonged non-compliance and to pass an appropriate speaking order. Therefore, the jurisdiction exercised herein is supervisory and statutory in nature and cannot be defeated by raising objections which have already stood overtaken by earlier judicial proceedings.

From the totality of the evidence, it is evident that the applicant consistently expressed willingness to clear whatever lawful dues were determined. On more than one occasion, he tendered demand drafts and cheques and repeatedly requested the Society to intimate the exact amount payable. The Society, however, neither accepted the payments nor furnished a final computation of dues in compliance with the binding directions issued by the Hon'ble Financial Commissioner. Consequently, the alleged non-payment by the applicant cannot be viewed in isolation, as the same was directly attributable to the Society's own failure to perform its corresponding obligation.

This prolonged litigation spanning nearly three decades demonstrates that the applicant has continuously pursued his legal remedies, whereas the respondent Society failed to implement binding judicial directions despite repeated opportunities. Such conduct is inconsistent with the obligations imposed upon cooperative societies under the Delhi Cooperative Societies Act and undermines the principles of fairness, transparency and cooperative functioning expected from a registered cooperative society. Accordingly, the balance of equities as well as the weight of the documentary evidence overwhelmingly favour the applicant.

Conclusion

In view of the foregoing discussion, the pleadings of the parties, the documentary evidence available on record, and the binding directions issued by the Hon'ble Financial Commissioner as well as the Hon'ble High Court of Delhi, this Authority is of the considered opinion that the respondent Society has failed to establish that it ever complied with the order dated 02.04.1996 passed by the Hon'ble Financial Commissioner. The said order unequivocally required the Society to intimate the exact outstanding dues payable by the applicant within seven days of his approaching the Society, whereafter the applicant was required to deposit the same within twenty-one days. The obligation of the applicant to make payment was, therefore, dependent upon the prior compliance by the Society. The material available on record clearly demonstrates that despite repeated personal visits, written representations and subsequent directions issued by



the Hon'ble Financial Commissioner on more than one occasion, the Society neither furnished the exact outstanding dues nor accepted the payments tendered by the applicant. In these circumstances, the allegation that the applicant deliberately defaulted in payment cannot be sustained, as the failure to comply with the order dated 02.04.1996 is attributable to the respondent Society itself.

It is further evident from the record that the applicant has continuously pursued his legal remedies for nearly three decades and has consistently expressed his readiness and willingness to discharge all lawful financial liabilities. On the other hand, the respondent Society continued to rely upon allegations of default which had already been considered by the Hon'ble Financial Commissioner while allowing the appeal. Instead of faithfully implementing the appellate order, the Society chose to dispute issues that had attained finality and failed to produce any convincing evidence to show compliance with the directions issued by the Hon'ble Financial Commissioner on 02.04.1996, the subsequent directions dated 21.08.2015, or the interim directions of the Hon'ble High Court requiring protection of the applicant's interest.

The plea of the respondent Society that no vacant flat is presently available also does not merit acceptance. A cooperative society, being a statutory body functioning under the Delhi Cooperative Societies Act, is expected to act fairly, transparently and in accordance with law. It cannot be permitted to derive benefit from its own omission or deliberate non-compliance with binding judicial and quasi-judicial orders. If, during the pendency of the applicant's claim and despite the protection granted by the Hon'ble High Court, the Society proceeded to induct new members or make further allotments without first complying with the directions issued in favour of the applicant, such subsequent actions cannot extinguish or defeat the applicant's lawful entitlement. Permitting such a course would amount to allowing a defaulting Society to frustrate judicial orders by its own inaction, which would be wholly contrary to the principles of equity, fairness and the rule of law.

This Authority is also of the considered view that the proceedings have been initiated pursuant to the specific directions contained in the order dated 28.07.2022 passed by the Hon'ble Financial Commissioner under Section 77 of the Delhi Cooperative Societies Act, 2003. The jurisdiction exercised by the Registrar in the present matter is, therefore, not that of an adjudicating authority deciding a fresh dispute between the parties, but one of statutory supervision and implementation of the binding directions issued by the appellate authority. Consequently, the objection of the Society that the matter ought to have been referred to arbitration under the provisions of the Act is misconceived and is rejected.

Accordingly, this Authority holds that the applicant continues to be entitled to the benefits flowing from the order dated 02.04.1996 passed by the Hon'ble Financial Commissioner. The respondent Society is, therefore, directed to determine and communicate to the applicant, within thirty days from the receipt of this order, the exact amount lawfully payable after giving due credit to all payments already made or validly tendered by him, supported by a detailed statement of account. Upon such communication, the applicant shall deposit the amount found legally payable within thirty days thereafter. On receipt of the said payment, the respondent Society shall take all consequential steps to give effect to the applicant's entitlement in accordance with law. In the event a flat of the category to which the applicant is found entitled is available, the same shall be allotted to him forthwith. If no such flat is presently available, the respondent Society shall maintain the applicant's seniority and priority and allot to him the first available flat of the appropriate category arising from resignation, surrender, cancellation or any other lawful vacancy. The Society shall submit a compliance report before this office within sixty days from



the date of this order, failing which appropriate action shall be initiated against the Society and its office bearers under the provisions of the Delhi Cooperative Societies Act, 2003 and the Rules framed thereunder.

Before concluding, this Authority is constrained to observe that the material available on record prima facie indicates that, notwithstanding the binding order dated 02.04.1996 passed by the Hon'ble Financial Commissioner, the subsequent directions dated 21.08.2015, and the interim directions of the Hon'ble High Court of Delhi protecting the interest of the applicant, the respondent Society appears to have inducted new members and/or made further allotments without first giving effect to the aforesaid judicial and quasi-judicial directions. If such acts were undertaken by the Managing Committee despite having knowledge of the subsisting orders, the same would amount to a prima facie disregard of binding directions issued by competent authorities and may attract the penal provisions contained in Section 118 of the Delhi Cooperative Societies Act, 2003.

Accordingly, the Deputy Registrar Cooperative Societies GH-03 is hereby directed to examine the records of the respondent Society, identify the members of the Managing Committee and office bearers who were in office at the relevant time and were responsible for approving or permitting such inductions and/or allotments, and issue appropriate Show Cause Notices under Section 118 of the Delhi Cooperative Societies Act, 2003 for violation of the binding orders of the Hon'ble Financial Commissioner and the Hon'ble High Court of Delhi. The proceedings shall be conducted independently, after affording reasonable opportunity of hearing to the concerned persons, strictly in accordance with law and the principles of natural justice. A compliance report regarding initiation of such proceedings shall be submitted to this office within thirty (30) days from the date of receipt of this order.




Krishna Kumar Singh (IAS)
Registrar Cooperative Societies

Sent to:

1. Sh. H.R. Arya, A-29, Sainik Nagar, Uttam Nagar, Delhi-110059
2. President/Secretary, Jatav CGHS Ltd, Venus Apartments, Zone H/4-5, Rani Bagh (Opposite Sainik Vihar), Pitampura, Delhi-110034.
3. DRCS, Section-3, O/o RCS
- ✓ 4. IT Cell, O/o RCS
5. Guard file