

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

No.F.47/1113/GH/Sec-01/3200

Dated: 15/5/25

Order

In the matter of:-

Arihant CGHS.....

Petitioner

This order shall dispose of the review application filed by Arihant CGHS Ltd. under section 115 of DCS Act, 2003 for review of the order of the RCS dated 13.11.2024 passed under section 37 of DCS Act, 2003.

The applicant, Arihant CGHS has filed the instant application for review of order dated 13.11.2024 passed by the Registrar of Cooperative Societies under Section 37 whereby the RCS had ordered as under

Further Show Cause Notice U/s 37(1) dated 12/06/2024 has been issued to managing committee of Arihant Siddhart CGHS Ltd. consequently On hearing dated 08.08.2024 Sh. P.K Kathuria President of Arihant Siddhart CGHS stated before the undersigned that-

he doesn't want to submit any written submission of show cause notice on the query of undersigned whether it is decision of president or joint decision of Management Committee (MC). He clarified that this is a decision of MC. He further stated that you can appoint Administrator in place of MC. President is advised to submit resolution of MC or reply of Show cause notice before next date of hearing "

In the view of above submissions and oral arguments, it is noted that the Respondent has confirmed that the decision regarding the Show Cause Notice was made collectively by the Management Committee (MC) rather than solely by the President. However, despite this clarification, the Respondent has failed to submit the required documentation, including the MC resolution or the reply to the Show Cause Notice, as directed during previous hearings. Additionally, the Respondent proposed appointing an Administrator to replace the MC, indicating the MC's inability or unwillingness to effectively address the concerns raised.

It is relevant to read the provisions of DCS Rules, 2007 which govern the review application under DCS Act & Rules. In this regard, Rule 157(1) of DCS Rules 2007 states as under:



Every application under sub-section (1) of section 115 shall be in the form of a memorandum setting forth concisely and under distinct heads the new and important facts which, after the exercise of due diligence, were not within the knowledge of the applicant or could not be produced by him when the order against whom review is preferred, was made or mistakes or errors apparent on the face of the record of other reasons for review. A memorandum of evidence shall accompany it.

The perusal of grounds stated in the application filed by the Smt Punita Devi reveals that the applicant is aggrieved by the order dated 03.05.2024 however, the applicant failed to point out discovery of any new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by her at the time when order was made or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reasons.

In this regard, Hon'ble Supreme Court while deciding civil appeal No 4548/2009 titled Inderchand Jain Vs Motilal, while deciding the issue of jurisdiction of a court and/or the extent thereof to review its own decision has observed as under :-

"It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A re-hearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

Review is not appeal in disguise."

In the instant case the applicant, Arihant CGHS has failed to point out any new fact, which was not in the knowledge of the Registrar of Cooperative Societies when the said order dated 13.11.2024 was passed by him. Instead the applicant has appealed against the said order in garb of review application.

It is also pertinent to mention that , as per Rule 115(2) of the relevant provisions ,

'An application for review under sub-section (1) by any party shall be made within thirty days from the date of communication of the order of the Government , The Tribunal , or the Registrar.'


However, in the present case, the review application has been filed on 04.04.2025 , which is beyond the prescribed period of thirty days and thus is time barred



[Handwritten signature]

In view of above mentioned facts and circumstances, I am of the considered opinion that the review application filed by Arihant CGHS for review of order dated 13.11.2024 passed by the undersigned in the matter Arihant CGHS Ltd is not maintainable u/s 115 of DCS Act, 2003 read with Rule 157 of DCS Rules, 2007. Accordingly, the review application filed by Arihant CGHS is hereby dismissed.




Anil Kumar Singh
Registrar Coop. Societies

Arihant CGHS Ltd.(GulmoharAppt.)
Plot No. 3B Sector 11,Dwarka
New Delhi -110075