

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

F.No.47/1158/GH/Coop/Sec-05/Pt.File/4486 - 4491

Dated: 13/10/25

**ORDER**

The present order disposes of the proceedings initiated vide Show Cause Notice dated 03.02.2025 issued under Section 37 of the Delhi Cooperative Societies Act, 2003.

**Brief history of the case-**

On 05.03.2001, the Learned Arbitrator, Sh. Madan Mohan Silwal, appointed by the Registrar Cooperative Societies, passed an Award in Arbitration Case No. 108/DR(R)/97-98/GH/139 titled Sh. Raghubir Modi vs. New Jai Bharat CGHS Ltd. under Section 61 of the Delhi Cooperative Societies Act, 1972 in favour of Sh. R.K Modi. The Respondent Society did not prefer any appeal against the Award, and therefore, the Award attained judicial finality.

Thereafter, Sh. R.K Modi approached the Society several times for compliance with the Award. However, the Society failed to comply, compelling the Petitioner, in the year 2007, to initiate execution proceedings. The Learned Assistant Collector afforded nearly fifteen opportunities to the Society to execute the Award, but the Society failed to appear and comply. Finally, on 23.12.2009, the Learned Assistant Collector (NW) passed an order directing the Society to execute the Award within 30 days.

Aggrieved by the said order, the Society filed Revision Petition No. 66/2010 before the Hon'ble Financial Commissioner. Importantly, no stay was granted by the Hon'ble Financial Commissioner, as is evident from the order dated 25.04.2013. On the request of the Society, the revision petition was restored on 11.12.2014 subject to costs of ₹15,000/-, which the Society deposited. However, the revision petition was dismissed by the Hon'ble Financial Commissioner on 16.10.2015. The Society thereafter filed an application seeking recall of the dismissal order, but at no point of time was there any stay on either the Award dated 05.03.2001 or the order dated 23.12.2009. Thus, the Society continued to remain under a legal obligation to comply with the Award and the execution order, yet it deliberately failed to do so.

Subsequently, the Society filed Review Petition No. 180/2017 before the Hon'ble Financial Commissioner, which too was dismissed. As of now, no litigation is pending in respect of the Award or the execution order.

Sh. R.K. Modi submits that an Award dated 05.03.2001 was passed by the Learned Arbitrator in his favour, directing the Society to treat him at par with other members of the Society. The Respondent Society did not prefer any appeal against the said Award, and therefore the Award attained judicial finality.

Thereafter, the Petitioner/Complainant filed execution proceedings before the Learned Assistant Collector/Assistant Registrar for enforcement of the Award. Despite repeated notices, the Society failed to appear. Notices were even sent through bailiff, who reported that the Society was not functioning at the given address, and subsequently notices were issued at another address available in the records. Ultimately, after affording more than ten





opportunities, the Learned Assistant Collector/Assistant Registrar, Ms. Seema Bawa, vide order dated 23.12.2009, directed the Society to execute the Award dated 05.03.2001.

Sh. R.K. Modi further submitted that in order to delay the matter, the Society filed Revision Petition No. 66/2010 titled New Bharat Cooperative Group Housing Society Vs. Raghubir Modi & Ors before the Learned Financial Commissioner, though no stay was granted in the said revision. In compliance with the order dated 04.03.2010 passed by the Hon'ble High Court of Delhi, Sh. R.K. Modi once again filed an execution petition on 24.02.2011. Yet, as the revision petition was pending, the Respondent No.1/Registrar Cooperative Societies refrained from taking further action. Subsequently, on the request of the Society, the revision petition was restored on 11.12.2014 subject to costs of Rs.15,000/- imposed upon the Society.

It is submitted by the appellant that at the time of allotment of flats in the Society, the then Managing Committee deliberately concealed the existence of the Award dated 05.03.2001 and misrepresented facts before the office of the Registrar Cooperative Societies. During the pendency of the contempt petition, the then Registrar Cooperative Societies, Ms. Alka Diwan, vide order dated 10.12.2014, directed the junior-most member, namely Sh. Deepak Kumar, in Prem Kutir Cooperative Group Housing Society Ltd. to vacate Flat No. B-29. Against the said order, the attorney of Sh. Deepak Kumar, namely Sh. Rajesh Sharma, preferred Writ Petition (C) No. 1647/2015 before the Hon'ble High Court of Delhi. The said writ petition was dismissed vide order dated 01.08.2022. Thereafter, Sh. Rajesh Sharma preferred SLP No. 21931/2022 before the Hon'ble Supreme Court of India, which was also dismissed vide order dated 26.03.2025, thereby upholding the order of the Hon'ble High Court of Delhi.

The Society submitted that it had received the Show Cause Notice dated 03.02.2025 on 04.03.2025 at 4:10 PM and is duly aware of the award dated 05.03.2001 passed by the Ld. Arbitrator, Sh. Madan Mohan Siwal, in Arbitration Case No. 108/DR(R)/97-98/GH/139, as well as the order dated 23.12.2009 passed in the execution petition and all subsequent litigations pertaining to the matter. The Society further submitted that it specifically denies the allegation that its conduct shows any disregard for the orders of the Registrar, Cooperative Societies (RCS), or that it has deliberately failed to comply with such orders. It was further submitted that the Society has not been negligent in the performance of its statutory duties under the DCS Act, 2003, the Rules framed thereunder, or the Bye-laws of the Society.

The Society submitted that, as on date, there are 110 flats in the Society and all of them are occupied by their respective members/owners, making it practically impossible to implement the award dated 05.03.2001. It was further submitted that, at the time when the award was passed, the affairs of the Society were being solely managed by Sh. Ajay Singhal, and the present Managing Committee was neither in existence nor aware of the dispute. The Society submitted that subsequently, on 21.04.2002, a draw of lots for allotment of flats was conducted by officials of the RCS and DDA in the presence of all members, and flats were allotted to the respective members. Even though the award had already been passed on 05.03.2001, no instruction or suggestion was issued by the RCS or DDA officials to reserve a flat for Sh. Raghubir Kumar Modi at the time of draw.

The Society further submitted that Sh. Ajay Singhal, who was managing the affairs of the Society at the relevant time, never brought the dispute to the knowledge of the general body. It was also submitted that when the order dated 23.12.2009 was passed in execution proceedings, no elected Managing Committee was functioning. On account of various





irregularities and illegalities, the then committee was suspended, as recorded in the Monthly Progress Report of May 2011, and the said committee had failed to take any decision regarding the membership of Sh. Raghubir Kumar Modi. The Society submitted that after suspension of the earlier committee, a new Managing Committee was elected, which attempted to pursue the matter but, owing to lack of knowledge and relevant documents, could not pursue it effectively.

The Society also submitted that Sh. Raghubir Kumar Modi has preferred W.P.(C) 601/2024 titled Raghubir Kumar Modi vs. Registrar of Cooperative Societies & Ors., before the Hon'ble High Court of Delhi, which is presently pending adjudication and is listed for hearing on 29.04.2025. In view of the above facts and circumstances, the Society submitted that no coercive steps may be taken against it until the Hon'ble High Court of Delhi adjudicates the matter finally.

It is observed that the Award dated 05.03.2001 passed by the Learned Arbitrator in Arbitration Case No. 108/DR(R)/97-98/GH/139 attained judicial finality, no appeal having been preferred by the Society. The execution order dated 23.12.2009 further directed compliance, and at no point of time was any stay granted either on the Award or on the execution proceedings. Despite this, the Society has failed to implement the Award for more than two decades. The subsequent litigations initiated by the Society, including the revision and review petitions before the Financial Commissioner and the writ proceedings before the Hon'ble High Court, did not operate as a bar to execution. The persistent non-compliance on the part of the Society demonstrates deliberate inaction and disregard of lawful directions. The pendency of W.P.(C) 601/2024 before the Hon'ble High Court does not obliterate the binding nature of the Award and the execution order, which continue to subsist and remain enforceable in law.

It is further observed that the present Managing Committee is fully aware of the Award dated 05.03.2001 and is hereby bound either to implement the said Award in accordance with law or, if so advised, to challenge the same before the competent higher authority, but cannot remain in perpetual default.

Accordingly, an Administrator, Sh. Ajay Arora Deputy Director (Retd.) GNCTD, is hereby appointed U/s 37 of DCS Act 2003, who shall be paid a sum of ₹10,000/- from the funds of the Society, and who shall take necessary steps to implement the Award dated 05.03.2001 in its true letter and spirit. The Administrator shall also submit an Action Taken Report (ATR) to this office within 15 days from the date of receipt of this order.



*NK 10/10/25*  
**Krishna Kumar Singh IAS**  
**REGISTRAR COOPERATIVE SOCIETIES**

1. President/ Secretary New Jai Bharat CGHS Plot No.05, Sector -04, Dwarka New Delhi-75.
2. Sh. Ajay Arora (Administrator), Deputy Director (Retd.) B-5/44, Sector 4, Rohini Delhi-85.(Through Whatsapp)
3. Sh. Raghubir Kumar Modi C-511, Sheikh Sarai, Phase-II, Delhi.
4. ARCS GH-05 O/o RCS
5. ARCS IT O/o RCS
6. Gaurd File.