

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/Coop Court Of RCS/Reviw App./2025 / 6026-34

Dated: 23/1/26

ORDER

IN THE MATTER OF:

Vijay CGHS Ltd.....

Appellant

Manish Agarwal & Oth.....

Respondent

This order shall dispose of the review application filed by Ex MC of Vijay CGHS through President/Secretary u/s 115 of DCS Act 2003 to review the order dated 23.12.2025.

Brief facts of the case

1. The proceedings were initiated vide Show Cause Notice dated 25.08.2025 under Section 37 of the Delhi Cooperative Societies Act, 2003 (DCS Act, 2003) against the Managing Committee (MC) of Vijay Cooperative Group Housing Society Ltd., Dwarka, Sector-18A, Plot No. 17, New Delhi (Regn. No. 1411(GH)), following receipt of multiple complaints alleging serious administrative, financial, and procedural irregularities.
2. On examination of records, ARCS reports, and correspondence revealed that an expulsion proposal regarding certain members was received on 29.10.2024, a deficiency memo was issued on 13.01.2025, and the Society's advocate assured compliance on 20.01.2025. However, the MC failed to submit the required clarifications or comply with statutory directions.
3. The aforesaid acts and omissions, which demonstrated a pattern of mismanagement and procedural violations prejudicial to the Society and its members, the Registrar Cooperative Societies, GNCTD, vide order dated 23.12.2025, superseded the Managing Committee and appointed Sh. Pawar Chopra, Dy. Director, DUSIB, as Administrator to manage the affairs of the Society until the conduct of fresh elections.

Submission of the Ex-MC of Vijay CGHS is as below

1. That the impugned order records that the membership expulsion proposal pertaining to certain members was received in your office on 29.10.2024 and that, vide departmental memo dated 13.01.2025, the Society was directed to remove deficiencies and submit requisite clarifications along with supporting documents.
2. That the order further records that a communication dated 20.01.2025 was sent by the Society's Advocate, Mr. Amit Minocha, assuring submission of the required documents within a period of one week. The order proceeds to conclude that the expulsion proceedings were conducted in accordance with law, that mandatory approval of the Registrar under Section 36 of the

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Delhi Cooperative Societies Act, 2003 was not obtained, and that the actions of the Society resulted in impairment of participatory and electoral rights of the concerned members

3. That in this regard, the Managing Committee submits that the observation in the impugned order relating to impairment of electoral rights is factually incorrect and legally unsustainable, as no such curtailment of participatory or electoral rights occurred in terms of the provisions of the Delhi Cooperative Societies Act, 2003.
4. That with respect to the observations concerning the conduct of the Returning Officer and the alleged error in preparation of the list of defaulters of the Society, it is submitted that the said issue had earlier been referred to arbitration under Section 71 of the Delhi Cooperative Societies Act, 2003 vide order dated 12.06.2025 passed by the Learned Additional Registrar, Cooperative Societies. However, the said order was set aside by the Hon'ble Delhi Cooperative Tribunal vide judgment dated 06.11.2025, wherein the Hon'ble Tribunal categorically held that the Learned Additional Registrar committed an error in referring the matter to arbitration when no fault existed in the actions of the Returning Officer.
5. That the present review has been filed well within the prescribed period of limitation and raises substantial and meritorious grounds warranting review of the impugned order.

The submission of the respondent is as below:-

1. That the present reply is being submitted on behalf of Manish Kumar Aggarwal, Naresh Kumar Sharma, E. Mohd. Basheer Sait and Sunita Aggarwal, solely to rebut the so-called "Amended Review Petition under Section 115 of the Delhi Cooperative Societies Act, 2003", which is misconceived, non-maintainable and an abuse of the process of law.
2. That it is submitted that no review petition under Section 115 of the DCS Act, 2003 was ever filed against the order dated 23.12.2025 bearing F. No. 47/Coop/Court/RCS/File/2025, and therefore, the filing of an "amended review petition" in the absence of any original review is illegal. It is further submitted that no application under Order VI Rule 17 CPC, 1908 has been filed, rendering the present proceedings procedurally defective.
3. That upon perusal of the so-called amended review petition, it is evident that not a single statutory ground for review, such as error apparent on the face of record or discovery of new evidence, has been disclosed, and thus the application fails to satisfy the mandatory requirements of Section 115 of the DCS Act, 2003.
4. That for the past two years, the respondents had been submitting complaints, representations and information seeking applications against the outgoing



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Managing Committee of the Society, pursuant to which the Registrar, Cooperative Societies, GNCTD, after issuing a Show Cause Notice dated 25.08.2025 under Section 37 of the DCS Act, 2003 and after considering the replies and submissions of all concerned parties, lawfully superseded the Managing Committee vide order dated 23.12.2025 and appointed an Administrator.

5. That the Administrator duly assumed charge of the Society on 24.12.2025, which fact is undisputed, and from that date onwards the erstwhile President and Secretary ceased to have any authority to represent or act on behalf of the Society.
6. That after the Administrator assumed charge, communications authored by the Treasurer of the outgoing Managing Committee surfaced, disclosing serious instances of mismanagement, thereby substantially corroborating the allegations earlier raised by the respondents.
7. That despite the above, a representation dated 30.12.2025 was filed by the outgoing Managing Committee, concealing the fact that the Administrator had already assumed charge, and the said representation was entertained with undue haste.
8. That on the basis of the said representation, a notice dated 01.01.2026 was issued for appearance on 02.01.2026, which was communicated only through WhatsApp, without granting reasonable or sufficient time to the respondents to file a written reply, particularly during holiday period.
9. That during the hearing on 02.01.2026, the respondent submitted that no copy of any valid review petition had been supplied, that the notice was received only through WhatsApp, that the Administrator had already assumed charge on 24.12.2025, and that any challenge to the appointment or continuation of the Administrator lies before the Hon'ble Financial Commissioner, as the appellant had merely filed a representation and not a review petition as prescribed under law.
10. That despite the aforesaid objections, an order dated 02.01.2026 was passed keeping the operation of the order dated 23.12.2025 in abeyance, while recording that no further opportunity would be granted to any party, thereby violating the principles of natural justice.
11. That the proceedings initiated on the basis of the representation dated 30.12.2025 amount to an illegal suo-motu review, undertaken in gross violation of the provisions of the DCS Act, Rules and settled principles of pleadings.
13. That the said representation was filed by unauthorized persons without enclosing any resolution of the Society, despite the Administrator having already assumed charge, and the same ought not to have been entertained.
14. That no new facts, urgency or apparent error on record has been disclosed in the representation to justify invocation of review jurisdiction.

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and the grievance that certain documents were not considered does not constitute a ground for review under the DCS Act.

15. That even otherwise, such grievance, if any, could only be addressed by invoking the revisional jurisdiction of the Hon'ble Financial Commissioner and not by way of review. That the order dated 02.01.2026 merely kept the operation of the order dated 23.12.2025 in abeyance and did not cancel the appointment or assumption of charge of the Administrator, and therefore the filing of the present amended review application is wholly misconceived and contrary to law.

The relevant statutory position under Section 115 of the Delhi Cooperative Societies Act, 2003 is reproduced below for ready reference

115. (1) *The Government or the Tribunal or the Registrar on the application of any party may review their own order in any case, and pass in reference thereto such order as they think just*

Provided that no such application made by the party shall be entertained unless the Government or the Tribunal or the Registrar, as the case may be, is satisfied that there has been the discovery of new 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 him 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;

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and being heard in support of such order.


- (2) *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 or the Tribunal or the Registrar.*

Upon consideration of the submissions of the Ex Managing Committee and the respondents, it is observed that the impugned order dated 23.12.2025 proceeded on an erroneous information furnished by the concerned Assistant Registrar that the Society failed to comply with the departmental directions. It is clear that pursuant to the departmental memo dated 13.01.2025, the complete dossier comprising all requisite documents, explanations, and clarifications relating to the expulsion proceedings was duly compiled and submitted in the office of the Registrar on 27.01.2025 through the Advocate representing the Society. The said compliance, however, was not taken into consideration while passing the impugned order, which resulted in findings that the expulsion proceedings were not conducted in accordance with law and that mandatory approval under Section 86 of the Delhi Cooperative Societies Act, 2003 was not obtained. Thereby clearly indicates that this was a completely new information which would be, if available at earlier stage of hearing /submission of documents, would not have resulted in passing the impugned order. The Managing Committee has further submitted that no impairment of participatory or electoral rights of the concerned members had occurred either in fact or in law.

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I am satisfied that there has been the discovery of new important matter of evidence as discussed above as a result of which an erroneous order has been passed. In view of this, and in exercise of the power conferred under Section 115 of the Delhi Cooperative Societies Act, 2003, the Review Application dated 03.01.2026 filed by the Ex-Managing Committee is allowed, the order dated 23.12.2025 passed under Section 37 of the Delhi Cooperative Societies Act, 2003 is hereby recalled.




Krishna Kumar Singh (IAS)
REGISTRAR COOPERATIVE SOCIETIES

1. Ex- President/Secretary, Vijay CGHS Ltd., Plot No. 17, Sector-18A, Dwarka, New Delhi-110078.
2. Manish Aggarwal, R/o Flat No. A-101, Sec-18A, Plot No. 17, Vijay CGHS, Dwarka, New Delhi- 110078,
3. Naresh Sharma, R/o Flat No. B-104, Sec-18A, Plot No. 17, Vijay CGHS, Dwarka, New Delhi- 110078
4. E.Moh. Basheer Sait, R/o Flat No. A-104, Sec-18A, Plot No. 17, Vijay CGHS, Dwarka, New Delhi- 110078
5. Sunita Aggarwal, R/o Flat No. A-92, Sec-18A, Plot No. 17, Vijay CGHS, Dwarka, New Delhi- 110078.
6. Sh. Pawan Chopra(Administrator) Dy. Director DUSIB Room No.56 Punarvass Bhawan LP Estate Delhi 110003.
7. ARCS 07 O/o RCS.
8. ARCS IT Cell O/o RCS.
9. Gaurd File.

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