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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 7th May, 2026

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W.P.(C) 13990/2022 & CM APPL. 42778/2022

CHOPRA CO-OPERATIVE GROUP HOUSING SOCIETY LTD.

.....Petitioner

Through: Mr. Sumit Bansal, Sr. Adv. with Mr. Udaibir Singh Kochar, Mr. Utsav Garg, Ms. Sanartika Pathak & Ms. Nikita Gupta, Advs.

versus

REGISTRAR, CO-OPERATIVE SOCIETIES, GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Tushar Sannu & Mr. Fajallu Rehman Advs. for GNCTD

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh J.,(Oral)

1. None appears for Respondent no.2.
2. The present petition challenges the order dated 2nd August, 2018 passed by the Delhi Co-operative Tribunal in *Appeal no. 66/2017/DCT* and the judgement dated 21st April, 2022 passed thereafter by the Delhi Co-operative Tribunal in *Review Petition No. 23/2018*.
3. The background of the case is that Respondent No. 2– Mr. Raj Singh had obtained membership of the Petitioner Society– Chopra Co-operative Group Housing Society Ltd. (*hereinafter, 'the Society'*) in December 2002.
4. The said member had filed the claim petition under Section 60 of the DCS Act, 1972, claiming membership of the Society.



5. This claim petition was decided in favour of the claimant *vide* an award dated 6th April, 2017 in the following terms:

*“The undersigned is of the view that once a person has been admitted as a member by the Society he will remain member of the Society until and unless he is disqualified/expelled/seized/resigned as a member of the Society. But in the present case none of the conditions is being fulfilled as the claimant is neither disqualified/expelled/seized/resigned as a member of the Society, hence, undersigned is of the view that the claim of the claimant have substance, therefore, the same is allowed. **I hereby affirm that the claimant is a valid and bonafide member of the Society and the Society is directed to immediately include the name of the claimant in the list of members.***

The Society is further directed to issue the demand notice as per the Delhi Cooperative Societies Act & Rules to the claimant and after realization of the dues/amount from the claimant, the Society is directed to forward the name of the claimant to the office of Registrar of Cooperative Societies for allotment of the flat as per the Delhi Cooperative Societies Act and Rules. The Society is further directed to provide all the requisite documents which are required by the claimant to avail the loan from his employer /any other financial institution to make the payment to the Society.

Although the claimant has suffered a lot of being having fighting the litigation from past around 12 years but in spite of the same, as the Society has their own limitations viz. a viz. the financial conditions, hence no order of the cost is passed. Parties will bear their own cost.”

6. This award dated 6th April, 2017 was challenged before the DCT by the Society in *Appeal no. 66/2017/DCT*, wherein *vide* order dated 2nd August,



2018, the appeal was dismissed in the following terms:

“20. Ld. counsel for the appellant society has relied on authorities reported, as WP(C) No. 8937/2007, WP(C) No.4491/2004 & CM No. 3540/2004, WP(C) No. 6917/2007 and CWP No.465 of 1998 titled as Kamal Vihar CGHS Ltd. Vs: Shri Mohan Chand & ors. The authorities relied by Id. cl. for the appellant with due respect are not applicable on the facts & circumstances of this case because R1 had paid substantial amount of Rs.1,10,000/- on demand and had also made a request for supply of documents for enabling him to obtain the loan from his employer but the society failed to supply the documents.

21. In our considered view, there is no illegality, infirmity or impropriety in the impugned award. The appeal is liable to be dismissed and is accordingly dismissed.

22. Parties are left to bear their own costs.

23. Copy of order be sent to office of RCS alongwith TCR.”

7. Thereafter, **Review Petition No. 23/2018**, which sought review of the said order dated 2nd August, 2018 was partly allowed *vide* judgment dated 21st April, 2022 in the following terms :

“26. We therefore find that the order of our ld. predecessor bench on the issue of entitlement of the respondent to a flat is totally based on a mistaken view that he had made substantial payment. To this extent we review the impugned order and set aside the portion of the award directing the society to issue a demand notice to the claimant and after realising of the dues/ amount to forward the name of the claimant to the Registrar Cooperative Societies, for allotment of the flat as per DCS Rules.

27. However, there is no error in Tribunal's order of confirming the appellant as a bonafide



member of the society. The said part of the order of Tribunal stands confirmed.

28. In the result, the review petition stands partly allowed in the above terms.

29. A copy of this judgement be sent to R.C.S. office alongwith TCR.

30. File be consigned to record room. ”

8. The order dated 2nd August, 2018 and judgment dated 21st April, 2022 are under challenge in the present petition.

9. A perusal of the above judgment dated 21st April, 2022 would show that though Respondent no. 2 has been held to be a *bona fide* member, the Society has been permitted to issue a demand notice and after releasing the dues, it is to forward the name of Respondent no. 2 for allotment of the flat as per DCS Rules.

10. Mr. Bansal, Id. Counsel for the Society submits that Respondent no. 2 had not made any payments whatsoever and therefore, Respondent no 2 also ought not to be recognized as a *bona fide* member.

11. In the opinion of this Court, Respondent no. 2 may have initially obtained a membership, however, the Society never took any steps to remove him from his membership. It was Respondent no. 2 who filed the claim petition under Section 60 of the DCS Act, 1972 and obtained the award in his favour.

12. The submission of Mr. Bansal, Id. Sr. Counsel for Petitioner is that Respondent no. 2 has not made any payment except the sum of Rs. 110/- to the Society.

13. If that is so, the Society is free to take action as per the necessary Act and Rules. The impugned judgment dated 21st April, 2022 would then not



come in the way of the Society's action to terminate the membership of Respondent no.2.

14. In view of the above, the impugned judgment dated 21st April, 2022 is not interfered with by this Court.

15. The petition along with pending application(s), if any, is disposed of in the above said terms.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MAY 7, 2026/prg/ss