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

*Date of decision: 13<sup>th</sup> April, 2026*

*Uploaded on: 15<sup>th</sup> April, 2026*

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**W.P.(C) 7138/2019 & CM APPL. 29707/2019**

SH. ANIL KUMAR

.....Petitioner

Through: Mr. Mohit Choudhary, Adv.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES GOVT. OF NCT  
OF DELHI AND ORS.

.....Respondents

Through: Mr. Abhinav Singh, Adv. for RCS

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**W.P.(C) 7173/2019 & CM APPL. 29854/2019**

SH. ANIL KUMAR

.....Petitioner

Through: Mr. Mohit Choudhary, Adv.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES GOVT. OF NCT  
OF DELHI AND ORS.

.....Respondents

Through: Mr. Abhinav Singh, Adv. for RCS

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE MADHU JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petitions have been filed challenging the order dated 28<sup>th</sup> May, 2019 passed by the Delhi Cooperative Tribunal (hereinafter “DCT”) by which the appeal filed by the Petitioner was dismissed on the ground of being



barred by limitation.

3. The brief facts of the case are that a loan for a sum of Rs. 9 Lakhs was availed by Mr. Kishan Kumar and Mr. Bharat Kumar from the C.A. Cooperative Thrift & Credit Society Ltd. (hereinafter “*the Society*”), out of which, they received a sum of Rs. 7,92,000/- for purchasing a property bearing No. 189, measuring 40 Sq. Yards, out of Khasra No. 624 in Village Karkardooma, Illaqua Shahdara, Delhi – 110092.

4. The Petitioner had stood as surety to the said loan. In respect of the said loan amount, the repayment of a sum of Rs. 5,81,900/- was made by Respondent No. 3.

5. According to the Petitioner, the Society, thereafter, filed its claim for arbitration before the Registrar of Co-operative Societies in which the Petitioner is stated to have not been served. The matter was referred to arbitration and the award was passed on 17<sup>th</sup> May, 2017 in the following terms:

*“This case is, therefore proceeded Award against all the Defendants.*

*I, having considered the facts of the case brought out and after going through the records of the society and after hearing the Authorized Representative for the Claimant, I am convinced with the genuineness of the Claim. I therefore, pass the award as under:*

*Defendants are not liable to pay the amount of Rs.50000/- being expenses incurred upon initiation of the proceedings u/s 138 Negotiable Instrument Act.*

*Sh. Kishan Kumar (Principal Debtor/Defendant*



*No.1) and his surety Sh. Bharat Kumar (Defendant No. 2) and Sh. Anil Kumar (Defendant No. 3) are directed to pay jointly and severally to CA CO-OPERATIVE THRIFT & CREDIT SOCIETY LTD.*

*The amount as follows:*

<i>Principal amount</i>	<i>Rs. 900000/-</i>
<i>Interest &amp; Penal Interest as on 30.09.2016</i>	<i>Rs. 211945/-</i>
<i>Arbitration Cost</i>	<i>Rs. 22396/-</i>
<i>Total</i>	<i>Rs. 1134341/-</i>

*Plus further interest & penal interest @ 18% +3% per annum compounded quarterly to continue w.e.f. 01.10.2016 till realization in full.”*

6. According to the Petitioner, he was never served with the award and it was only, when the execution petition was filed that the Petitioner learnt of the award which was passed. Thereafter, the Petitioner is stated to have engaged a Counsel who filed an appeal against the said award. Thus, there was a delay of 626 days in filing the appeal.

7. Condonation of delay in filing the appeal was sought. However, *vide* the impugned order the application for condonation of delay was rejected on the ground that there is no sufficient cause to condone the delay. The finding of the DCT is as under:-

*“11. The applicant has not only been negligent but also mis-conducted because even after service of notice of the appeal filed by principal debtor other guarantor, he did not file any appeal within the stipulated period and also absented in the said proceedings. He has also taken a false plea that he came to know about the execution proceedings in*



*March 2019 and about the passing of the impugned award only on 19th March 2019 although he was served with the notice of appeal preferred by principal debtor and co-surety bearing appeal no. 81/2017, on 13.11.17.*

*12. In our considered view, the appellant/applicant has failed to disclose existence of any sufficient cause for condonation of delay and therefore, is not entitled for condonation of delay. The application for condonation of delay is liable to be dismissed and is accordingly dismissed. The appeal being barred by limitation is also dismissed.”*

8. The present writ petitions have been pending since 2019. Even today adjournment is sought for filing written submissions. It is the submission of the Id. Counsel for the Petitioner that the appeals filed by the Respondent Nos. 3 and 4 against the same very impugned award are pending before DCT.

9. This Court is of the opinion that in view of the fact that the challenge to the said award is pending before DCT, the Petitioner can also to be given an opportunity to defend his position on merits.

10. Accordingly, in these facts, the delay in filing the appeal before the DCT is condoned subject to payment of Rs. 15,000/- as costs in each of the matters. The said cost shall be paid to the Society within two weeks.

11. List before the DCT on 18<sup>th</sup> May, 2026.

12. It is directed that the DCT shall decide all the appeals of the Petitioner and of Respondents Nos. 3 and 4 together on an expeditious basis and in any case by 30<sup>th</sup> September, 2026.



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13. The petitions are disposed of in above terms. Pending applications, if any, stand disposed of.

**PRATHIBA M. SINGH  
JUDGE**

**MADHU JAIN  
JUDGE**

**APRIL 13, 2026/ys/msh**