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

Date of decision: 25th February, 2026

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+ **W.P.(C) 2651/2026 & CM APPL. 12899/2026, CM APPL. 12900/2026**

SANJIV GUPTA

.....Petitioner

Through: Mr. Abhinav Raghuvanshi (AOR),
Mr. Avinash Tripathi, Mr. Akshat
Rawat, Advs.

versus

THE REGISTRAR OF COOPERATIVE SOCIETIES AND ORS

.....Respondents

Through: Ms. Urvi Mohan, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. This is yet another case which shows the harrowing experience that members of co-operative societies have to face and undergo for obtaining allotment of flats in their favour and for conversion of properties from leasehold to free-hold. In each of such matters there are three main parties who cause significant delay running into decades in allotting the flats and permitting conversion. The said parties are:
 - A. Registrar of Cooperative Societies (hereinafter, 'RCS');
 - B. The concerned Co-operative Group Housing Society; and
 - C. Delhi Development Authority (hereinafter, 'DDA').
3. The members of co-operative societies are made to run pillar to post



between these three entities for years before they can get the title to their flats finalised with the authorities. The same is also evident from the facts of this case.

4. The brief facts of the present case are that on 13th October, 1991, the Petitioner-Shri Sanjiv Gupta and Smt. Usha Gupta *i.e.*, Aunt of the Petitioner, became members of the Respondent No.2- Mitra Dweep Co-op. Group Housing Society Ltd. (hereinafter, '*Society*')

5. Smt. Usha Gupta resigned from the membership of the Society on 11th December, 1996 and the Petitioner was approved as the sole member of the Society on 21st December, 1996. The membership fee, share money, etc. were deposited by the Petitioner way back in 1997 itself and a share certificate was also issued to the Petitioner. The draw of lots was then held on 28th August, 1998 for allotment of 54 flats. Out of the 54 flats, 53 flats were allotted and one flat of the Petitioner *i.e.*, flat no. C-5 was kept unallotted due to some litigation by one Mrs. Ranjeet Kaur, who had been expelled from the membership of the Society.

6. Representations were made by the Petitioner for allotment of the flat to the Petitioner. Thereafter, the Petitioner filed a writ petition being **CWP No. 2929 of 1999** titled '**Sanjiv Gupta v. Regr. Coop. Socy. & Ors.**'. In the said writ petition, *vide* order dated 13th May, 1999 it was directed by this Court that one four-bedroom flat shall be kept reserved for the Petitioner. The said order reads as under:

"CW 2929/99.

Issue Notice to the respondents to show cause as to why the petition be not admitted returnable on 12th July, 1999.

Mr. Vikas Pakhiddey, Advocate, accepts notice on



behalf of Respondent No. 1 counter Affidavit in opposition to the writ petition be filed within two weeks. Rejoinder within two weeks thereafter.

CM 6370/99

Issued notice to the respondents, returnable on 12th July, 1999.

Mr. Vikas Pakhiddey, Advocate, accepts notice on behalf of respondent No. 1. Reply be filed within two weeks rejoinder within two weeks thereafter.

One 4 bed room category Flat be reserved for the petitioner if available, till the next date of hearing.”

7. The litigation of Mrs. Ranjeet Kaur thereafter got decided and she was held disqualified from membership of the Society. The possession of flat no. C-5 was then given to the Petitioner on 12th December 2001.

8. In **CWP No. 2929 of 1999**, the final order of disposal was passed on 15th July, 2002. The relevant portion of the said order reads as under:

“Be that as it may, when the matter came up for consideration today, L/C for petitioner Mr. Munjial asserted that no case of expulsion having bearing or petitioner's claim was pending before any forum and, therefore, there was no hitch in clearing his name. He submitted that pendency of some expulsion case was the only ground taken by R-1 in the impugned order for detaining petitioner's case and now that no such case was pending, it was for R-1 to reconsider the matter and pass appropriate orders.

That being so, this petition is disposed of with a direction to R-1 to reconsider petitioner's case for being cleared for allotment of a flat in case no case of expulsion of any member having bearing on his case was pending or there was no other hitch in the matter otherwise under Society's regulations/bye-laws within four weeks from receipt of this order.”



9. As per the above order, the Petitioner's case was to be reconsidered for being cleared for allotment. On 25th May, 2011, the RCS acknowledged that **CWP No. 2929 of 1999** had been decided in favour of the Petitioner and therefore, communicated that the Society ought to issue a No Objection Certificate (hereinafter, 'NOC') for free hold conversion of flat no. C-5 in the name of the Petitioner.

10. The Society then issued a NOC on 14th December, 2013. The Petitioner on the said basis filed an application before DDA for conversion of the flat from lease-hold to free-hold on 20th May, 2014.

11. After the Petitioner's application was filed before the DDA, certain updated documentation and clarification was sought by the DDA on 9th October, 2017. An updated NOC was also sought by the DDA from the Society on the ground that the earlier NOC dated 14th December, 2013 had become outdated. The Society again on 19th March, 2018 issued a fresh NOC in favour of the Petitioner.

12. The DDA, however, took a position that flat no. C-5 had not been allotted to any members of the Society as per its records and called upon the Petitioner to obtain a letter from the RCS confirming the membership of the Petitioner.

13. The matter did not end here. Neither did the RCS give any clarification. Five years later, on 8th June, 2023, DDA again wrote to the RCS to confirm the status of the Petitioner. However, the RCS again did not respond to the communications issued by the DDA.

14. On 24th June, 2023, the Society wrote directly to the DDA confirming that the Petitioner is a member of the Society and confirming the allotment of flat no. C-5 to the Petitioner as well.



15. In a sudden twist of events, on 8th August, 2023, the RCS in a completely baseless manner issued a communication that the membership of the Petitioner had not been cleared till date. In view of this response, the DDA asked RCS to again re-examine the matter. The RCS continued to deal with the Society and obtained repeated letters from the Society. The Petitioner was left in the lurch. This position continues to prevail till date.

16. On 30th August, 2023, DDA issued a letter to the RCS specifically drawing attention of the RCS to its own letter dated 25th May, 2011 wherein the RCS itself had recorded that the dispute in *CWP No. 2929 of 1999* had been decided in favour of the Petitioner and therefore, NOC can be issued to the Petitioner. The Society also on 10th January, 2025 wrote to the RCS that the Society had given membership to the Petitioner on 21st December, 1996 and handed over the physical possession of the flat no. C-5 to the Petitioner on 12th December, 2001.

17. Thereafter, on 23rd September, 2025, the RCS posed certain queries to the Society seeking confirmation regarding the following:

- a) Whether membership of Shri Sanjiv Gupta stands duly regularized and reflected in Society records;
- (b) Whether allotment of Flat C-5 made on 12th December, 2001 stands valid and finalized; and
- (c) Whether any dispute remains pending regarding said membership/allotment.

18. On 26th September, 2025 the Petitioner provided a detailed response to the queries raised by the Society and thereafter, on 23rd October, 2025, the Society issued a clarification to the following effect:



“Sir,

Kindly refer to your above-mentioned letter regarding the allotment of Flat C-5, in this Society to Shri Sanjiv Gupta. It is once again reiterated that the status has been informed from time to time in the past and the last two letters of Society dated 10 January, 2025 and reminder dated 15 May, 2025 (copies enclosed) may kindly be referred. The current status of the matter is that a decision to ratify the recommendations/decisions of the Society is still pending in the O/o RCS.

2. However, as requested in your letter dated 23-09-2025 we are again providing the following information:

(i) Query: Whether the membership of Shri Sanjiv Gupta duly regularized and reflected in the Society's records.

Society's Response: *As mentioned in our earlier letters, the Society has taken on record the membership of Shri Sanjiv Gupta vide its earlier decisions. The vacant possession of the Flat No C-5 was also handed over to Shri Gupta on 12.12.2001.*

(ii) Query: Whether the allotment of Flat No. C-5 made on 12.12.2001 stands valid and finalized.

Society's Response: *As per the records of the Society, Flat No. C-5 is in the ownership and possession of Shri Sanjiv Gupta and this is valid and final as on date. O/o RCS is now required to ratify this decision.*

(iii) Query: Whether any dispute remains pending in respect of this membership/allotment.

Society's Response: *As per the records of the Society, there is no pending dispute in respect of*



Flat No. C-5, owned and in the possession of Shri Sanjiv Gupta.

3. In view of the above, O/o RCS is requested to kindly ratify the decision of the Society for allotment of Flat C-5 in favour of Shri Sanjiv Gupta.”

19. This clarification was issued on 23rd October, 2025 by the Society to the RCS, but the RCS has still not taken any steps.

20. In the present writ petition, the prayer is that the RCS ought to issue a clear clarification confirming the Petitioner’s membership status and for the allotment of the flat. The Petitioner further prays for processing the conversion from lease-hold to free-hold.

21. Ld. Counsel for the Petitioner submits that it is indeed unfortunate the manner in which the RCS is proceeding in this matter. Ld. Counsel submits that the possession of the flat had been handed over to the Petitioner long back. In the list which the RCS possesses, the name of the Petitioner is reflected as a member. Despite this, the RCS continues to raise doubts for no reason. It is therefore the submission on behalf of the Petitioner that the Court ought to direct the DDA to give effect to the conversion.

22. Ms. Urvi Mohan, ld. Counsel for the RCS, on the other hand, submits that though the letter dated 23rd October, 2025 was received by the RCS, due to short staffing it has not been processed.

23. The Court has considered the matter. A perusal of the record would show that the list of members is available on record and mentions the name of the Petitioner at Serial. No. 117. Further, the RCS itself was well aware that the Petitioner had been allotted a flat and was one of the original members. Despite this being the position the RCS causes enormous confusion



in the vague and incorrect letter issued by it on 8th August, 2023. The Petitioner, after getting possession in the year 2001, has been compelled to wait for 25 years to get allotment and to finalise the title in his favour. The DDA has repeatedly written to the RCS, but to no avail.

24. In the opinion of this Court, the latest clarifications given by the Society put any doubts to rest. The said letter dated 23rd October, 2025 clearly states that the Petitioner is a proper member and the flat has been handed over to the Petitioner on 12th December, 2001. The Society has also clarified that the ownership and possession of the Petitioner is valid and final and it is only the RCS which now has to rectify the dispute. It is also clarified by the Society that there is no dispute pending between the Society and the Petitioner.

25. After having obtained these clarifications there can be no ground whatsoever for the RCS to hold back its recommendation. The RCS has been negligent to say the least, which has resulted in the Petitioner being forced to approach this Court on two occasions.

26. Under these circumstances the following directions are issued:

(i) The RCS shall immediately send a recommendation to the DDA by 15th March, 2026.

(ii) If the RCS requires any documents, it shall call the Petitioner and the office bearers of the Society on 3rd March 2026, only to peruse the records and for no other purpose.

(iii) The DDA, after receiving the recommendation, shall process the application of the Petitioner for conversion from lease-hold to free-hold by 15th April, 2026. If any charges are to be paid to the DDA, the Petitioner shall do the needful.

27. The RCS shall pay Rs. 10,000/- as costs in this matter to the Petitioner.



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The same shall be paid by 15th March, 2026.

28. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

29. List for reporting compliance on 16th April, 2026.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

**FEBRUARY 25, 2026
prg/ck**