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

Date of decision: 26th February, 2026

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+ **W.P.(C) 2095/2026 & CM APPL. 10245/2026**

BRAHAM DIN PANDEY & ORS.Petitioners

Through: Mr. Rakesh Kumar, Adv.

versus

THE SAHU COOPERATIVE URBAN TC SOCEITY LTD & ANR.

.....Respondents

Through: Ms. Urvi Mohan, Adv. for RCS

Mr. Akshay Bhardwaj, Adv. for
Society (*through V/C*)

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 petition has been filed by the Petitioners under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the impugned order dated 22nd January, 2026 passed by the Chairman, Delhi Co-operative Tribunal (*hereinafter 'DCT'*) in *Appeal No. 032/2023/DCT* titled '*Braham Din Pandey and Ors. v. The Sahu Co-operative Urban T/C Society Ltd.*' (*hereinafter, 'the impugned order'*).
3. *Vide* the impugned order, the DCT has dismissed the appeal filed by the Petitioners challenging the *Arb. Case No. 1006/Ar/Arb/11-12* dated 25th January, 2012 (*hereinafter, 'the arbitral award'*). The appeal has been dismissed on the ground that the same is barred by limitation. Further, the



DCT has also refused to condone the delay on the ground that there is no justifiable explanation for seeking condonation of delay after almost 12 years.

4. The background of the present case is that, the Petitioners had availed certain personal loans from the Sahu Co-operative Urban T/C Society Ltd (*hereinafter, 'the Society'*) and had defaulted in repayment of the same. The Society had commenced arbitral proceedings which had culminated in the Arbitral Award dated 25th January 2012 against the Petitioners. The same was an *ex-parte* Award as the Petitioners had not appeared in the arbitral proceedings.

5. The Petitioners case is that they did not receive a copy of the arbitral award, thereby they filed an application under the RTI Act, 2005 and application under Section 139 of the Delhi Co-operative Society Act, 2003 on 16th November, 2019. However, despite the same, the Petitioners were not provided with a copy of the arbitral award. Subsequently, sometime in October 2019, Society sought from the Petitioners a lump sum amount of Rs. 10,00,000/- for settling the matter.

6. Pursuant thereto, in August 2021, the Petitioners filed a consumer complaint No. 136/2021 against the Society before the District Consumer Disputes Redressal Forum, North-East. In response to the said complaint, the Registrar Co-operative Societies (*hereinafter, 'RCS'*) filed a copy of the arbitral award.

7. Thereafter, Petitioners filed an appeal challenging the Arbitral Award, before the DCT. *Vide* the impugned order, the appeal of the Petitioners was dismissed on the ground that the same is barred by limitation.

8. The case of the Petitioners is that they did not receive the signed copy of the arbitral award. It is also stated that the Petitioners became aware of the



arbitral award for the first time sometime in January, 2023, when the same was attached by the RCS in pleadings before the District Consumer Disputes Redressal Forum, North-East.

9. On the last date of hearing *i.e.*, 13th February, 2026, notice was issued to the Society and RCS.

10. On the said date, Mr. Akshay Bhardwaj and Ms. Urvi Mohan, Id. Counsels accepted notice for the Society and RCS, respectively. Id. Counsel for the RCS was to inform the Court as to when the signed copy of the arbitral award was served upon the Petitioners.

11. Today, Ms. Urvi Mohan, Id. Counsel for the RCS submits that she is unable to obtain the instructions as to when the signed copy of the arbitral award was served upon the Petitioners.

12. Mr. Akshay Bhardwaj, Id. Counsel for the Society also submits that he is not aware as to when the arbitral award was served on the Petitioners.

13. Further, Id. Counsel for the Society relies upon paragraph 5.1, 7 and 8 of the impugned order to argue that the DCT has passed a reasoned order.

14. Id. Counsel for the Petitioners submits that the Id. Arbitrator has proceeded in an extremely hurried manner. Summons were issued to the parties to appear between 16th January, 2012 and thereafter on 24th January, 2012. Thereafter, the arbitral award was also passed on 25th January, 2012. Thus, it is the case of the Petitioners that the arbitral award is admittedly an *ex-parte* award and the Petitioners were never served in the arbitral proceedings.

15. It is the further case of the Petitioners that though the Petitioners had knowledge that the arbitral award had been passed, the copy of the same was not provided to the Petitioners.



16. Ms. Urvi Mohan, Id. Counsel for the RCS submits that the arbitral award is sent to the DCT, however, it is stated that the copy of the said award is not available with the DCT.

17. Mr. Akshay Bhardwaj, Id. Counsel for the Society further submits that the Petitioner No.1 is a typist working in the Tis Hazari Court. According to him, the said Petitioner was well aware of the proceedings which were going on before the Id. Arbitrator. He was also aware of the arbitral award which was passed. However, he has avoided to repay the loan amount and prolonged the litigation.

18. On a specific question as to how the Petitioners were served in the arbitral proceedings and whether any copy of the arbitral award was served upon the Petitioners, Id. Counsel for the Society is unable to satisfy the Court that the Petitioners were served.

19. The Court has heard the Id. Counsels for the parties and has perused the records. The arbitral award passed by the sole Arbitrator, Mr. B.L. Kallur on 25th January, 2012 reads as under:-

“The Sahu Co-operative Urban T/C Society Ltd. filed a petition U/s 70 of the Delhi Co-operative Societies Act, 2003 against Sh. Brahm Din Pandey S/o Sh. Nand Kishor Pandey, Sh. Pandey S/o Sh. Brahm Din Pandey, for a recovery of a total sum of Rs.4,86,372/- as per details given in the claim petition. The case was referred to the undersigned for adjudication under Section 71 of the Delhi Co-operative Societies Act, 2003.

In exercise of the powers conferred on me as Registrar’s Nominee, summons were sent to all the parties to appear on 16.01.2012 at 10:30 A.M. On this day none appeared resulting second summons



were served to appear on 24.01.2012. On this day Sh. Ravinder Sharma Authorized Representative of the Claimant appeared, whereas none of the defendants appeared. The Authorized Representative vide the claimants letter no. SCS/ARB/2012-13 dated 15.01.2012 submitted recovery details as on 01.01.2012 as below:-

Principal	Rs.4,51,681.00
Interest	Rs.7,227.00 upto 31.12.2011
Cost	Rs.48,185.00 10.5% of Principal +Intt. As per rules.
Total	Rs. 5,07,093.00

With further interest@ 16.20% p.a. and 3% p.a. penal interest on the principal sum from 01.01.2012 until the date of realization in full.

In view of the failures on the part of the defendants, who failed to respond to two summons to appear to plead their cases, I am compelled to decide the case ex-parte and award a total sum of Rs. 5,07,093/- as mentioned in details above from all the defendants, who are directed to pay jointly and severally to the Sahu Co-operative Urban T/C Society Ltd. Yamuna Vihar, Delhi-110053. The copies of the award are being sent to the claimant as well as the defendants separately.

Given under my hand & seal this 25th day of January, 2012.”

20. A perusal of the arbitral award shows that the same is silent as to how the Petitioners were served in the matter. It only records that the Defendants *i.e.*, the Petitioners herein, had not appeared.

21. The relevant portion of the impugned order of the DCT dated 20th January, 2026 is as under:



5.1 Sh.R.P. Sahu, ld. counsel for the non-applicant/respondent Society has strongly contested the application for condonation of delay. It is submitted that the applicant/ appellant no.- I works as a typist/ stenographer in Tis Hazari Courts is malafidely not repaying the loan. Despite knowledge of the entire proceedings since the date of inception of complaint, he has deliberately and mischievously not joined the proceedings and is only prolonging the litigation. On the basis of documents on record, it is pointed out that in the complaint filed by the applicants/ appellants before the District Consumer Disputes Redressal Forum, North-East, Nand Nagri, applicants/ appellants have admitted. knowledge of the award. It is pointed out that in Para no.-12 of the complaint, applicants/ appellants have admitted their knowledge of the award on an unspecified date prior to 16.10.2019. The complaint before Consumer Forum was preferred on 19.01.2023 as has been pleaded in the application for condonation of delay and the present appeal was preferred on 10.02.2023.

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7. A perusal of the Award reveals that the Ld. Arbitrator issued summons to all the parties initially for 26.01.2012 and subsequently for 24.01.2012. The award also records that on non-appearance of the defendants (present applicants/ appellants), the award was pronounced and copies of the award were served upon the parties. A study of the address of appellants in the award and their address as mentioned in the memo of parties of the present appeal reveals that the address is same. There being no reasons to infer any malafides in the proceedings conducted by the Ld. Arbitrator, the Tribunal shall presume that the defendants (present applicants/ appellants) were served with the summons as well as the copy of award. It is rightly pointed out by Sh.Ankit



Kumar, Id. counsel for the appellant that trial court record, does not contain the proceedings before the Ld. Arbitrator. Tribunal is constrained to note and observe that invariably the records are not produced by the office of RCS. Tribunal is handicapped in several matters where the proceedings cannot be effectively conducted on account of non-availability of the TCR. Nonetheless, in the present case, applicants/ appellants have themselves admitted knowledge of the award on an unspecified date prior to 16.10.2019. It is pleaded in the complaint before Consumer Forum, which is annexed by the applicants/ appellants themselves, in Para no.-12. For ready reference Para no.-12 of the complaint before Consumer Forum is reproduced here-in-below:-

12. That in October 2019 complainant No.1 visited at the office of the opposite party to know the complete statement of account of their loan but opposite party started pressurizing the complainants to deposit lump sum amount of Rs.10,00,000/- into their loan account. complainant no.-1 asked about the calculation on what basis they are charging huge amount from the complainant they threatened that they have succeeded to get ex-parte award against the complainant without their knowledge and consent in 25.01.2012. When the complainant tried to get complete case no. etc then they started avoiding the complainants. Being aggrieved the complainant no.-1 started searching the case numbers etc from their sources then on 16.10.2019, the complaining was constrained to approach the Registrar of Co-operative society Parliament Street to inspect his file. However, it was utter shock from the complainant that neither the opposite party nor



the arbitrator provides the opportunity to complainants to put their case and without following the procedure, he passed the said awards against the complainants. It is pertinent to mention here that till date certified copy of award has not been supplied to the complainants.

8 Thus, the applicants/ appellants admit knowledge of the fact of award having been passed in October-2019. Para no.-14 of the complaint records that an RTI application was moved on 16.01.2019. On a query by the Tribunal, ld. counsel submitted that no information was provided under the RTI Act and also that no appeal was filed before the appellate authority under the RTI Act. Tribunal is not satisfied with these submissions. An appellant, who is vigilant enough to know of his rights under the RTI Act and who is assisted by an advocate who moved the RTI application, cannot justifiably explain as to why the appeal was not filed under the RTI Act; unless the copy and the reports had been made available by the office of RCS to him. Tribunal, therefore, is of the opinion that applicants/ appellants admittedly had knowledge of the award in first week of October, 2019. There is no explanation as to why the appeal was not preferred till as late as 10.02.2023. Thus, finding no justifiable explanation for seeking condonation of delay of almost 12 years; Tribunal is of the opinion that the application is meritless and deserves dismissal. Ordered accordingly.

9. Since the appeal has not crossed the hurdle of condonation of delay, the appeal cannot be heard on merits and the same is accordingly dismissed. Award dated 25.01.2012 passed by the Ld. Arbitrator is upheld.

22. In terms of the impugned order as extracted above, it is recorded that



the Id. Arbitrator had issued notice to the parties between 16th January, 2012 and 24th January, 2012. However, it does not record as to whether the Petitioners were served or not. It only records that the address of the Petitioners in the arbitral award and that in the memo of parties is the same.

23. In any event there is no evidence on record to show that the signed copy of the arbitral award was served upon the Petitioners.

24. It is a matter of record that the Petitioners filed applications under the RTI Act as also under Section 139 of the Delhi Cooperative Societies Act, 2003 on 16th November, 2019, to receive a copy of the arbitral award. However, in response to both these applications, no reply was received.

25. Thereafter, the Petitioners were compelled to file a complaint under Section 12 of the Consumer Protection Act, 2019 before the District Consumer Disputes Redressal forum for deficiency in service. In response to the same, summons were issued and the arbitral award appears to be filed before the consumer forum.

26. The overall facts which emerge is that the signed copy of the arbitral award may have not been received contemporaneously by the Petitioners and there is nothing on record to prove that the stand of Petitioners, that they did not receive the same, is incorrect or false.

27. The Petitioners did take steps to obtain a signed copy of the arbitral award. However, the same proved to be in vain, until the same was attached with the pleadings before the District Consumer Disputes Redressal forum.

28. Under these circumstances, it cannot be held that the appeal before the DCT was barred by limitation. After having heard the Id. Counsels for the parties, the Id. Counsel for the Petitioners has taken a position that the Petitioners would pay the amount awarded with some reasonable amount of



interest.

29. The operative portion of the Award shows that the interest awarded is quite substantial. In the facts and circumstances of this particular case, and in order to bring the matter to a closure, the arbitral award is modified in respect of the interest component, in the following terms:

- (i) The Petitioners shall pay a sum of Rs. 4,51,681/- along with 7.5% as interest for the entire period from 31st December, 2011 till 30th April, 2026 to the Society.
- (ii) If the amount is tendered by 30th April, 2026, then no further interest would be payable to the Society. However, if the amount is not tendered, then interest at the rate of 9.5 % shall be liable to be paid from 1st May, 2026 onwards till the date of payment, to the Society.

30. The Society is at liberty to recover the amount payable in accordance with law in terms of this order.

31. The present petition is disposed of in these terms. Pending applications, if any, are also disposed of.

32. Pertinently, the Court notices that in a large number of matters involving the Registrar of Co-operative Societies, the disputes pertain to either allotment of flats, or regularisation of flats or disputes over availment of certain loan amounts. All these matters continue to remain pending for several years.

33. The RCS office is directed to look into the aforesaid matters which are pending adjudication before this Court. It is suggested that in such matters, the RCS office can consider as to whether a Mediation drive/Lok Adalat can be conducted at the RCS office to resolve these disputes.

34. For the said purpose, the RCS office may coordinate with the Delhi



High Court Mediation Centre to constitute a panel of mediators who may conduct a Mediation drive for a period of one week, in the month of April.

35. In the meantime, the Registry is directed to compile a list of all the aforesaid RCS matters pending before this Court, so that the same can be attempted to be resolved through a Mediation Drive.

36. Let a copy of this order be communicated to the Secretary, Delhi High Court Mediation Centre for necessary information and compliance.

37. Let the above issues be deliberated in the RCS office and a status report be filed as to the feasibility of a Mediation Drive, as directed above. List on 16th March, 2026.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

FEBRUARY 26, 2026/ys/sm