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

Date of decision: 26th May, 2026

Uploaded on: 27th May, 2026

+ **W.P.(C) 7504/2026**

MANAGEMENT COMMITTEE OF NPSC CGHS LTD

.....Petitioner

Through: Mr. Aman Sinha, Mr. Varun Pratap
Singh Advocates with Mr. NK
Chokker, Secretary of Petitioner-MC
(*through VC*)

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND OTHERS

.....Respondents

Through: Mr. Tushar Sannu, Adv. for RCS
Mr. Rahul Madan, Adv. for R3
(*through VC*)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 36392/2026

2. Exemption allowed subject to just exceptions. The application stands disposed of.

W.P.(C) 7504/2026 & CM APPL. 36391/2026

3. The present petition has been filed by the Management Committee of the NPSC CGHS Ltd. (hereinafter "*Society*") which is a society registered under the Delhi Co-operative Societies Act, 2003 (hereinafter "*DCS Act*").



The same has been filed with an affidavit of Sh. Narender Kumar Chhoker, who is the Secretary of the Management Committee.

4. The challenge in this writ petition is to the impugned order dated 30th April, 2026 passed by the Registrar of Cooperative Societies (hereinafter “RCS”) by which the Special General Body Meeting (SGBM) of the Society is being convened with the single point agenda of a No Confidence Motion to be taken up.

5. In the said order it is recorded that a written representation dated 1st March, 2026 from 70 members out of a total of 203 members of the Society had been received by the office of the RCS requesting to convene a SGBM under Section 36(2) of the DCS Act. The office of the RCS had also received a letter dated 11th March, 2026 from the Secretary of the Society requesting to be granted a hearing before taking any steps.

6. Further to the above, the office of the RCS had directed the Managing Committee to appear before the Deputy Registrar on 28th April, 2026, which was thereafter advanced to 16th April, 2026 and later to 27th April, 2026. As per the impugned order, both parties were heard on 27th April, 2026 and thereafter the impugned order was passed.

7. The submission of Mr. Aman Sinha, Id. Counsel for the Petitioner is that despite repeated requests, the representation which is stated to have been sent by the 70 members of the Society has not been provided to the Petitioner till date. It is further urged that in the absence of the representation itself being given to the Petitioner, the allegations could not be duly responded to. Id. Counsel for the Petitioner has also relied upon the decision of the Supreme Court in *Gajanan Narayan Patil v. Dattatraya Waman Patil, (1990) 3 SCC 634*, to argue that non-service of the representation would render the



impugned order directing the Society to call the SGBM as illegal. Lastly, the Id. Counsel has also placed reliance on Rule 46(3) of the Delhi Cooperative Societies Rules, 2007 (hereinafter “DCS Rules”) which mandates sending the requisition for calling SGBM to the registered office of the Society, which has not been complied with in this case.

8. Mr. Tushar Sannu, Id. Counsel appearing for the RCS submits that the hearing had been provided so that the Petitioner can be heard properly and to comply with the principles of natural justice, though there is no specific provision under the relevant provisions of the DCS Act to give an opportunity of hearing in such cases.

9. Mr. Rahul Madan, Id. Counsel appearing for Respondent No. 3 submits that he is one of the persons who has signed the representation received by the office of the RCS, and whose name appears at serial no. 2 in the impugned order dated 30th April, 2026. It is submitted that he is not a lone representationist but 69 other members of the Society have also signed the representation as there are serious allegations against the Petitioner *i.e.*, the Managing Committee of the Society, for which the RCS is taking action.

10. The Court has considered the matter. Clearly, upon perusal of the impugned order, it is evident that the representation dated 1st March, 2026 has been received by the office of the RCS from 70 members out of the total of 203 members of the Society. There is no doubt that the Secretary of the Society had asked for a hearing which is also recorded in the impugned order. However, the impugned order also records that the single point agenda for the SGBM is a no confidence motion against the present Managing Committee.

11. Under such circumstances, it is completely inexplicable as to how any effective hearing could have taken place before the RCS in respect of a motion



for no-confidence without the allegations being communicated to the Managing Committee. Further, holding of the SGBM for the no-confidence motion without the allegations being made to the Managing Committee would also be to the detriment of the remaining members who would be voting, as they too would have no prior knowledge of the allegations and its details.

12. Ld. Counsel for the Respondent No. 3 submits that since 70 members have signed the representation, there is an issue of privacy also of these members. Hence, the said representation had not been provided to the Petitioner.

13. The said submission is without any basis in law. Any representation against which a hearing is being held to hear both sides would have to be supplied to the affected party. This is the settled law on principles of natural justice as also in terms of Rule 46(3) and (4) of the DCS Rules which reads as under:

“46. General Body Meetings

[...]

*(3) A requisition for a special general body meeting to be convened under section 33 of the Act shall state the object of the such meeting, and shall be signed by at least one fifth of members of the co-operative society or the Registrar, as the case may be, and **shall be sent to the registered office of the society** and copy to Registrar.*

*(4) **On receipt of the requisition as aforesaid, the committee shall consider and convene the special general body meeting** or direct its secretary or president to convene the special general body meeting, within the stipulated time of thirty days from the date of receipt of requisition from members or Registrar as the case may be.*



At special general body meeting no business other than that specified in the notice or as specified by the Registrar, shall be transacted.”

14. Thus, in the opinion of this Court, the copy of the representation having not been provided to the Petitioner, no effective hearing could have taken place before the RCS. Thus, impugned order dated 30th April, 2026 is set aside.

15. The Id. Counsel for the Petitioner has informed the Court that the SGBM is scheduled to take place on 30th April, 2026. In view of the impugned order having been set aside, the SGBM scheduled on 30th April, 2026 stands cancelled.

16. Considering the facts and circumstances, including the fact that the RCS had earlier provided a hearing to the Petitioner in line with principles of natural justice, the following directions are issued:

- i. Copy of the representation dated 1st March, 2026 be supplied to the Petitioner - Managing Committee of the Society by 15th June, 2026;
- ii. The Petitioner shall file its reply to the same by 15th July, 2026;
- iii. Immediately thereafter, the hearing can be fixed and the RCS shall proceed in accordance with law.
- iv. The date for the SGBM, if required, shall also be fixed and communicated.

17. At this stage, the Id. Counsel for the Petitioner submits that the other grievance of the Petitioner is that it has filed several complaints with the RCS against members of the previous Managing Committee of the Society and sought inquiry under Section 60/61 of the DCS to be conducted. It is



submitted that the proceedings in the said complaints before the RCS which are not proceeding whereas the no confidence motion was proceeding with great expedition.

18. The Id. Counsel for the Respondent No. 3, who was a member of the previous Managing Committee of the Society, objects to these submissions and submits that the proceedings under Section 61/62 of the DCS Act are not connected with the present matter.

19. Accordingly, the RCS shall adopt a fair and transparent procedure and take action in the complaints under Section 61/62 of the DCS Act by the Petitioner. Further, the proceedings under Section 61/62 of the DCS Act as also the motion for no confidence shall be disposed of by the RCS by 30th September, 2026.

20. All rights and remedies of the parties are left open. The petition is disposed of in the above terms. Pending applications, if any, also stand disposed of.

21. Needless to add, this Court has not gone into the merits of the allegations raised by either side, at this stage.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MAY 26, 2026/ys/msh