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

Date of Decision: 17th November, 2026

Uploaded On: 19th November, 2026

\# **CNR No. DLHC010546612026**

\+ **W.P.(C) 16819/2026, CM APPL. 78667/2026 & CM APPL. 78668/2026**

SMT. SUSHMA KALRA .....Petitioner

Through: Mr. Ashwani Kumar and Mr. Puneet Sharma, Advocates.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES, DELHI & ORS. .....Respondents

Through: Mr. Shashi Pratap Singh and Ms. Shagun Aggarwal, Advocates for RCS.
Mr. Gurbachan Singh, Advocate for R-3.
Ms. Mrinalini Sen, Standing Counsel for DDA, Mr. Pranay Lakhanpal, Adv. Ms. Gauri Rajput, Adv.
Mr. Ashwani Kumar, Adv. for R-4.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (ORAL)

1. This hearing has been done through hybrid mode.

2. This matter is being taken up today for hearing as 16th November, 2026 was declared a holiday on account of ***Chhath Puja*** vide ***Notification No.110/G-4/Genl.-I/DHC*** dated 11th November, 2026.

3. The present petition has been filed by the Petitioner Smt. Sushma Kalra under Article 226 of the Constitution of India *inter alia* seeking a direction to the Respondents to decide the complaints dated 15th September, 2026 and 06th October, 2026 filed by her before the Respondent No.1-Registrar of

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Cooperative Societies (hereinafter '*RCS*').

4. Petitioner is a member of the Mianwali District Co-Operative House Building Society Limited (hereinafter '*Society*').

5. It is her allegation that vide resolution dated 14th September, 2026 the Managing Committee of the Society has decided to implement the order passed by the Financial Commissioner as also of this Court and recommend the case of Smt. Sushma Kalra to the DDA for allotment of the plot. The said resolution is extracted as under –

69 THE MIANWALI 69
DISTRICT CO-OPERATIVE HOUSE BUILDING SOCIETY LTD. (REGD.)
Regd. No. 1411 of 1956
Lessee - Developer & Maintainers of Mianwali Nagar
Admin. Office : Mandir Marg, A7 & A3 Road, Rohtak Road, Mianwali Nagar, New Delhi-110087
Ph. : 011 40396006, 8882760489
सहयोगं परमं बलं

Sushil Kumar, President | Shyam Sunder Malik, G. Secretary | Pawan Kumar, Treasurer

MWN-13
Date : 14-09-2026

To,
Smt. Sushma Kalra
B-4/5, Mianwali Nagar,
Delhi-87
Membership No. 1117

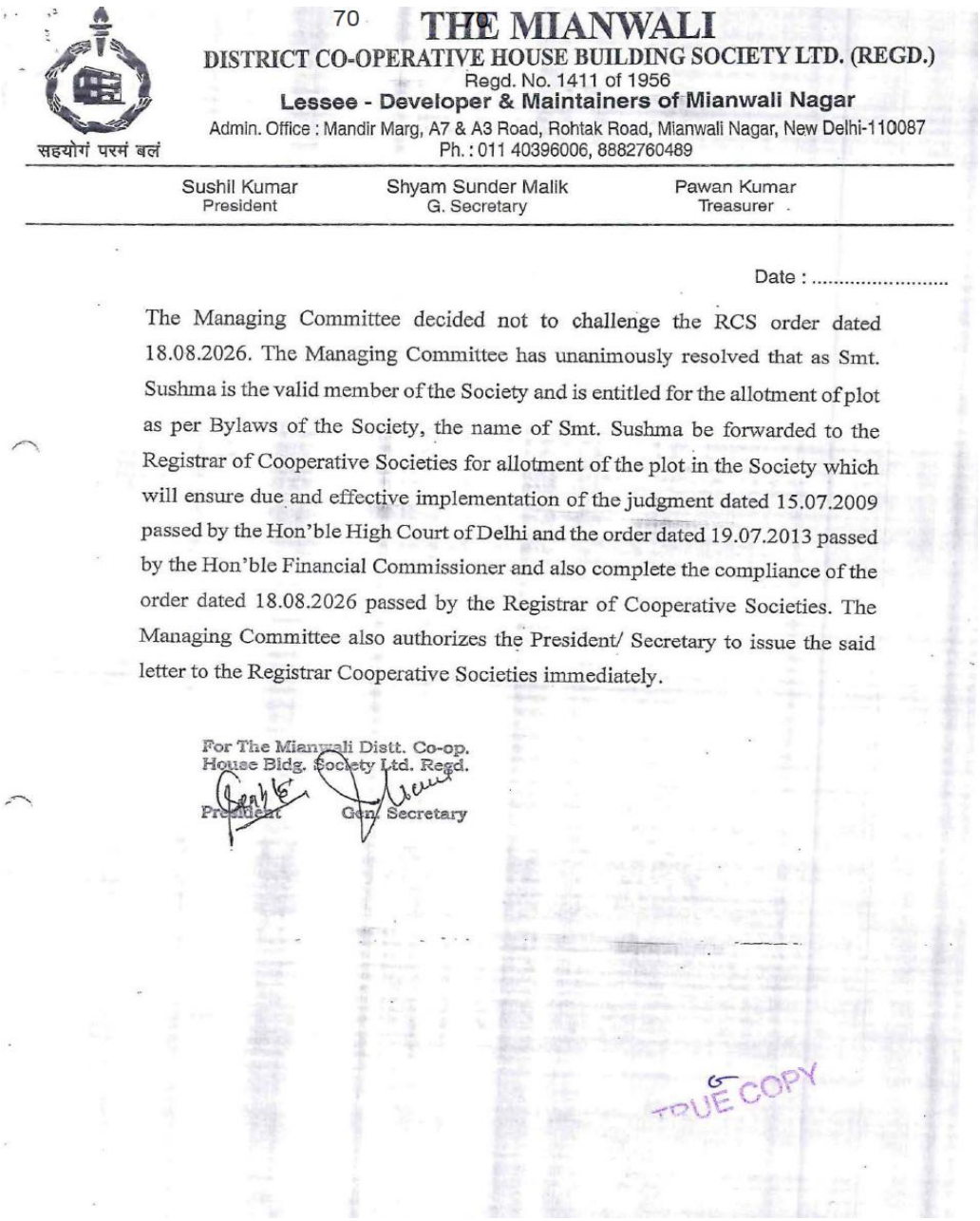
Resolution

The Managing Committee of the Society had received the summons from the Hon'ble High Court of Delhi in one Writ Petition (C) No. 7912/2026 filed by Smt. Sushma for appearance for 21.08.2026. In the meantime before the date of hearing before the Hon'ble High Court of Delhi the Society has also received the order dated 18.08.2026 passed by the Registrar Cooperative Societies wherein the Society is directed to ensure due and effective implementation of the judgment dated 15.07.2009 passed by the Hon'ble High Court of Delhi and the order dated 19.07.2013 passed by the Hon'ble Financial Commissioner.

The Managing Committee has now also been apprised of the order dated 21.08.2026 passed by the Hon'ble High Court of Delhi wherein it has called for the President/ Secretary to represent the Society personally and file the affidavit in the Writ Petition (C) No.7912/2026 before the next date of hearing i.e 20.11.2026.

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70 THE MIANWALI
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Sushil Kumar, President | Shyam Sunder Malik, G. Secretary | Pawan Kumar, Treasurer

Date : .....

The Managing Committee decided not to challenge the RCS order dated 18.08.2026. The Managing Committee has unanimously resolved that as Smt. Sushma is the valid member of the Society and is entitled for the allotment of plot as per Bylaws of the Society, the name of Smt. Sushma be forwarded to the Registrar of Cooperative Societies for allotment of the plot in the Society which will ensure due and effective implementation of the judgment dated 15.07.2009 passed by the Hon'ble High Court of Delhi and the order dated 19.07.2013 passed by the Hon'ble Financial Commissioner and also complete the compliance of the order dated 18.08.2026 passed by the Registrar of Cooperative Societies. The Managing Committee also authorizes the President/ Secretary to issue the said letter to the Registrar Cooperative Societies immediately.

For The Mianwali Distt. Co-op. House Bldg. Society Ltd. Regd.
President Gen. Secretary

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6. In addition, certain other recommendations were made by the Managing Committee, which according to the Petitioner, are not in accordance with law.

7. Ld. Counsel for the Petitioner submits that a complaint has been filed

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by the Petitioner dated 15th September 2026 to the RCS which deserves to be considered by the RCS and decided expeditiously.

8. Ld. Counsel Mr. Ashwini Kumar has appeared for Smt. Sushma Sharma-Respondent No.4. Mr. Gurbachan Singh, ld. Counsel has entered appearance for Society-Respondent No. 3.

9. The Court has heard the submissions of the parties.

10. The Petitioner's allegations are both general against the Managing Committee of the Society and also against Smt.Sushma Sharma-Respondent No. 4.

11. Insofar as the case of Sushma Sharma-Respondent No. 4. is concerned, the issue of her membership has already been decided in ***W.P. (C) No.3529/1989*** vide order dated 15th January 2009 by a Division Bench of this Court. The said order reads as under:-

> *"The Petitioner is aggrieved by the cessation of her membership from the Respondent-Society by a letter dated 10th November, 1987 issued by the Respondent-Society.*
>
> *It appears that the Petitioner applied for membership of the Respondent- Society on 16th October, 1975 when she was a minor. Her application was not processed but apparently kept pending. On 8th August, 1981, a letter was sent to the Petitioner by the Respondent-Society in which she was told that her name is on the Waiting List at serial No. 8 in the list of applicants awaiting membership to the Respondent- Society. She was also told that she should submit a proper application in the prescribed form along with necessary documents on or before 28th August, 1981, failing which any representation from her claiming membership of the Respondent-Society would not be entertained.*

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In response to this letter, the Petitioner sent an application on 28th August, 1981 along with a draft of Rs.35,865.73 and other necessary documents. On this basis, her membership papers were processed and she was granted membership of the Respondent-Society. It appears that certain members of the Respondent-Society made representations to the Registrar, Cooperative Societies (for short 'RCS') making certain allegations in respect of the functioning of the Respondent-Society. On the basis of the allegations made, the RCS appointed an Enquiry Officer under the provisions of Section 55 of the Delhi Cooperative Societies Act, 1972 (for short 'the Act') to go into the functioning of the Respondent-Society. The Enquiry Officer examined all the relevant material and submitted his findings, which were accepted by the Assistant Registrar (House Building) of the office of the RCS on 9th October, 1986 for implementation. In so far as the Petitioner is concerned, the report of the Enquiry Officer states that the management of the Respondent-Society had considered the application of the Petitioner dated 28th August, 1981 which is incorrect. It is not clear from the extract of the Enquiry Report whether the Enquiry Officer felt that the application submitted by the Petitioner when she was a minor was incorrect or whether it was incorrectly stated that the Petitioner had submitted an application on 28th August, 1981. The extract of the Enquiry Report in so far as it pertains to the Petitioner reads as follows:-

'As alleged in due exercise of power under S. 55 of the Act I have given an opportunity to Smt. Sushma vide my letter No. 891 dated 12.8.86 which was received back with the comments of the postal authority (incomplete address). As record of the society her address is 1/48, Subash Nagar, New Delhi. I made another reference on 4.9.86 and requested her to appear before me on 18.9.86 alongwith documents of proof of age at the time of enrollment of the society. In response to my letter she

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Signing Date:19.11.2026 16:15

has made a reference on 11.9.86 instead of her appearance before me and forwarded employers certificate of Railway Authority where in it is mention they her date of birth as per their record is 1.3.1958. She submitted an application to the society for enrollment on 16.10.1975 when she was only 17 years and 7 months old. The then Management has considered the membership and recommended for clearance vide their letter dated 15.3.85 alongwith simplified proforma in which the then Management have shown her application dated 28.8.81 which is incorrect. In view of the above facts, the then Management, have enrolled a minor member Miss. Sushma and killed the rights of adult members who were awaiting for allotment of plots in the waiting lists. In my opinion, the membership of Smt. Sushma d/o of Shri H.B. Sapra M.S. No. 1022 be disqualified because she was minor at the time of enrollment and dependent on her father.

Sd/-

Hon. Secretary,

The Mianwali Distt. Co-op.

House Bldg. Society Ltd."

Learned counsel appearing on behalf of the RCS has drawn our attention to the counter affidavit filed on behalf of the RCS and we find from a perusal thereof that there is no dispute about the fact that the Petitioner did make an application on 28th August, 1981 seeking membership of the Respondent-Society. Learned counsel who appears on behalf of the Respondent-Society also says that as per his instructions the application filed on 28th August, 1981 was received from the Petitioner seeking membership of the Respondent-Society. It follows from this that the Enquiry Officer had proceeded on the basis that the original application made by the Petitioner, when she was a minor, was an incorrect application and ought not to have been acted upon by the Respondent-Society. We are of the opinion that regardless of the application

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Signing Date:19.11.2026 16:15

made by the Petitioner when she was a minor, the fact remains that she was invited to make an application by the Respondent-Society by its letter dated 8th August, 1981. Even if no such invitation was extended to the Petitioner, there is no doubt that she did make a valid application for membership on 28th August, 1981, on which date she was admittedly a major (her date of birth being 1st March, 1958). The chronology of events, in so far as the Petitioner is concerned, would, therefore, start either from 8th August, 1981 when she was invited to make an application for membership by the Respondent- Society or, in any case, from 28th August, 1981 when she actually submitted that application. On both dates she was a major. There is no dispute that the application made by the Petitioner on 28th August, 1981 was procedurally complete and was acted upon and accepted by the Respondent-Society. That being the position, we do not find any error in the Respondent-Society admitting the Petitioner to its membership. In so far as the report of the Enquiry Officer is concerned, the finding against the Petitioner is based solely on the fact that the original application was made by the Petitioner at a time when she was only a minor. It is on this basis that the Enquiry Officer has given a finding against the Petitioner. However, since we have concluded that the application made by the Petitioner on 16th October, 1975 when she was a minor was irrelevant, the edifice on which the report of the Enquiry Officer is based itself falls to the ground. Therefore, the report of the Enquiry Officer in so far as it pertains to the Petitioner cannot be sustained. Our conclusion, therefore, is that the Petitioner was validly inducted as a member of the Respondent-Society on the basis of the application made by her on 28th August, 1981. Consequently, the cessation of her membership from the Respondent-Society by its letter dated 10th November, 1987 on the basis of the report of the Enquiry Officer is not justified. The natural consequences of quashing of

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Signing Date:19.11.2026 16:15

the letter dated 10th November, 1987 will follow and the name of the Petitioner may be shown in the draw of lots at the appropriate stage depending on her seniority and eligibility. The letter dated 10th November, 1987 is quashed and the writ petition is allowed. No costs."

(extracted as is)

12. After the said order was passed, a further order has been passed on 18th August 2026 by the RCS wherein it clearly records that the Petitioner had also challenged the same issue before the Financial Commissioner and the Financial Commissioner had decided the same in favour of Respondent No.4 vide order dated 19th July 2013 in Revision Petition No.144/2012.

13. In view of the order of the High Court and the order of the Financial Commissioner, the RCS in its order dated 18th August 2026 came to the following conclusion:-

"In view of the foregoing discussion, I am of the considered opinion that the objections raised by the respondent Society do not furnish any lawful basis for denying the petitioner the benefit of the judgment dated 15.01.2009 passed by the Hon'ble High Court of Delhi and the order dated 19.07.2013 passed by the Ld. Financial Commissioner.

The finding of the Hon'ble High Court that the petitioner was validly inducted as a member of the respondent Society and that cessation of her membership was unjustified remains binding. The subsequent order dated 13.02.2012 passed by the RCS, which sought to take a contrary view, already stands set aside by the Hon'ble Financial Commissioner.

Accordingly, the petitioner continues to be recognized as a valid member of the Mianwali District Cooperative House Building Society Ltd. and her membership cannot be treated as ceased or disqualified on the basis of the

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Signing Date:19.11.2026 16:15

objections raised by the respondent Society in the present proceedings.

The respondent Society and this office are bound to give effect to the final judicial directions and cannot reopen or nullify the issues already adjudicated. The petitioner's case is therefore required to be processed in accordance with the judgment dated 15.01.2009, including consideration of her name in the draw of lots at the appropriate stage, subject to her seniority and eligibility as directed by the Hon'ble High Court.

Therefore, in compliance with the judgment dated 15.01.2009 passed by the Hon'ble High Court of Delhi in W.P.(C) No. 3529/1989 and the order dated 19.07.2013 passed by the Hon'ble Financial Commissioner in Revision Petition No. 144/2012, it is hereby ordered that Smt. Sushma shall continue to be recognized as a valid member of the Mianwali District Cooperative House Building Society Ltd. The objections raised by the respondent Society seeking cessation or disqualification of the petitioner's membership on the grounds of alleged financial dependence, source of funds or alleged benami membership are hereby rejected. The order dated 13.02.2012 passed by the RCS, having already been set aside by the Hon'ble Financial Commissioner vide order dated 19.07.2013, shall not constitute any impediment to the implementation of the judgment dated 15.01.2009.

The respondent Society shall not reopen or raise objections on issues which already stand finally adjudicated by the Hon'ble High Court and the ld. Financial Commissioner, except on the basis of any subsequent order of a competent court or any legally sustainable ground arising independently after the aforesaid judgments. The Society shall comply with this order and submit a compliance report to this office within 30 days from the date of receipt of this order.

Accordingly, the proceedings initiated vide Notice dated 16.03.2020 are hereby disposed of in favour of Smt.

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Signing Date:19.11.2026 16:15

> *Sushma, with a direction to the respondent Society and all concerned to ensure due and effective implementation of the judgment dated 15.01.2009 passed by the Hon'ble High Court of Delhi and the order dated 19.07.2013 passed by the Ld. Financial Commissioner. The Society shall take all consequential steps strictly in accordance with the aforesaid judicial directions and applicable law."*

14. As can be seen from the above, the RCS has decided that there is no lawful basis for denying Respondent No.4 *i.e.*, Smt. Sushma Sharma the benefit of the judgement dated 15th January 2009 of the High Court and the order dated 19th July 2013 passed by the Financial Commissioner.

15. Accordingly, the Society was directed not to reopen or raise objections on issues which were already decided.

16. Respondent No. 4 - Smt. Sushma Sharma has also sought implementation of these orders in ***W.P. (C) 7912/2026*** in which this Court had already directed that the name of the Respondent No. 4 was to be forwarded to the DDA by the RCS. The observations made in the said order are set out below:-

> *"7. Thus, the case of the Petitioner is that only a letter needs to be issued by the RCS to the DDA for conducting the draw of lots. Hence, the present application.*
> *8. The present petition is listed for hearing on 20th November, 2026. However, since the Society has already issued a letter dated 15th September, 2026, requesting the RCS to forward the name of the Petitioner to the DDA, for conducting a draw of lots for allotment in favour of the Petitioner at the earliest, let status reports be filed by the RCS and the DDA by the next date of hearing.*
> *9. At this stage, Ms. Shashi Pratap Singh, ld Counsel*

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Signing Date:19.11.2026 16:15

appearing for the RCS has appeared and submits that a letter dated 15th October, 2026, has been issued to the Petitioner, calling upon the Petitioner and the Society to furnish the requisite documents.

10. Heard. Considering that most of the formalities have already been completed, let the Petitioner and the office bearers of the Society appear before the office of the RCS on 12th November, 2026, at 2:30 PM.

11. The Petitioner and the Society shall produce all the records and documents as sought by the RCS. The RCS shall expeditiously examine the same and forward its recommendations for allotment to the DDA.

12. The application is disposed of in the above terms."

17. Ld. Counsel for the RCS, Mr. Shashi Pratap Singh and Ms. Shagun Aggarwal, have placed on record a compilation of documents in which it becomes clear that pursuant to the order dated 30th October 2026 a hearing has been conducted by the RCS and the matter is now listed on 25th November, 2026 before the RCS where the society has been directed to appear.

18. Thus, insofar as Respondent No.4-Smt. Sushma Sharma is concerned, the issues raised by the Petitioner can no longer be reopened.

19. Insofar as other allegations against Respondent No. 5-Mr. Vikas Dhamija, the person to whom Plot No. 8, Block NS, Mianwali Nagar came to be allotted / transferred and who sold the same in the open market, are concerned, since there is a complaint dated 15th September, 2026 and 06th October, 2026 filed by the Petitioner, let the same be considered by the RCS and the complaint be disposed of within a period of 3 months from today. Needless to add, in addition to the Petitioner, the Respondent no.5 and the Society shall be heard by the RCS, before any orders are passed.

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20. The petition is disposed of. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 17, 2026/MR/AS

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