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

Date of Decision: 20th November, 2026
Uploaded On: 25th November, 2026

\# **CNR No. DLHC010083522022**

\+ **W.P.(C) 3384/2022**

RENU KAKKAR .....Petitioner

Through: Mr. Vivek Kumar Tandon, Ms. Laxmi Gupta, Ms. Pooja Giri, Advocates

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR. .....Respondents

Through: Mr. Shashi Pratap Singh and Ms. Shagun Sabharwal, Advocates for RCS

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (ORAL)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner- Renu Kakkar, daughter of Late Narendra Nath Malhotra, *inter alia*, seeking regularisation of her membership on recommendations by the Registrar of Cooperative Societies *(hereinafter, 'RCS')* to the Delhi Development Authority, of the self-draw in respect of Flat No. A-8 in Nav Bharat Group Housing Societies, Paschim Vihar, New Delhi *(hereinafter, 'the Society')*.

3. The brief facts are that one Shri K.C. Upadhyaya was the original *bonafide* member of the Society and he was allotted membership no. 77.

4. Sometime in 1985, the Society had recommended the names of 141

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members for allotment of flats to the DDA.

5. Thereafter, names of another six members were also recommended for verification and allotment. Thus, out of the 148 members the recommendation was made for 147 members.

6. It is stated that the name of Mr K.C. Upadhaya was not recommended, due to non-payment of the entire construction amount of the flat No.A-8 in the Society.

7. Subsequently, Mr. K.C Upadhaya cleared the dues and his name was cleared and his membership was regularised. Thereafter, Flat No. A-8 was allotted to him and in fact the possession of the said flat was also given to him.

8. Pursuant thereto, Mr. Upadhayay had entered into an Agreement to sell and purchase with Smt. Sheela Malhotra, the mother of the Petitioner on 20th May, 1988. Possession of the flat was given to Petitioner's mother on 20th May, 1988.

9. The issue in respect of regularisation of the said self-draw continued to remain pending.

10. Smt. Sheela Malhotra is stated to have expired on 7th July, 2013 and, prior thereto even the father of the Petitioner, Shri. Narendra Nath Malhotra had died on 7th September, 1996.

11. Thereafter, the brothers of the Petitioner are stated to have executed a Special Power of Attorney in favour of the Petitioner, authorising the Petitioner to undertake all necessary acts for the regularisation of Flat No. A-8 in the Society. Hence, there appears to be no dispute insofar as the rights of the Petitioner are concerned.

12. The RCS is only required to pass a formal order in this regard, which

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has not yet been passed. Hence, the present petition.

13. Notice was issued in the present petition on 24th February, 2022 and the RCS as also the Society have filed their respective replies.

14. The stand of the RCS is that the membership of Shri K.C. Upadhayay was never regularised and, hence, the case of the Petitioner cannot be considered for regularisation.

15. However, in so far as the Society is concerned, it has fully supported the case of the Petitioner. The relevant portion of the said affidavit of the Society, which has been sworn by Mr. Sonjoy Gopal Kundu, the Secretary of the Society reads as under:-

> *"xxxx xxxx xxxx xxxx*
>
> *4. That a perusal of the writ petition shows that the petitioner is seeking regularization of self draw of flat allotted to Sh K C Upadhya, one of the erstwhile member of the society.*
>
> *5. That it is submitted that the society was having membership strength of 148 members and the society constructed 148 flats.*
>
> *6. That it is submitted that as per records of the society, Shri K C Upadhaya was enrolled as member of the in Nav Bharat CGHS Ltd. as per the DCS Act. 1972 and DCS Rules, 1973 and was given membership no. 77. As per records, all formalities under the DCS Act and Rules were completed by the then managing committee while enrolling Sh K C Upadhaya as member of the society and he was a Bonafide member of the society.*
>
> *7. That it is submitted that in year 1.985 the society had recommended names of 141 members to the office of RCS for verification of the membership and allotment*

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of flat to the members by DDA. Subsequently, another 6 members name was recommended for verification and allotment. So, total 147 names of members out of 148 members were recommended for allotment and the sale was made by RCS/DDA.

8. That it is submitted the name of Shri K C Upadhaya was not recommended by society and his name was detained as Sh K C Upadhaya had not made the entire payment regarding the construction of flat.

9. That it is submitted that upon allotment of flats to other members of society, Shri K C Upadhaya approached the society to clear the dues, which was accordingly cleared by him.

10. That after clearance of the dues by Sh K. C. Upadhaya, the then managing committee placed the matter before the Special General Body Meeting by calling SGBM on 24.4.1988. It is submitted allotment to 147 members was made and only one flat remained to be allotted and only one member was there for allotment of flat and there was no dispute with regard to the membership of K C Upadhaya, the SGBM passed a resolution thereby approving allotment of the flat No. A-8 to him.

*11. **That it is submitted thereafter the society made the allotment of flat to Shri K C Upadhaya on 14.5.88 and possession was also handed over to him on 14.5.88. The society vide letter dated 30.6.2014 has informed the office of the RCs that since only one flat was unallotted, no draw was required to be conducted in the said case and requested the RCS office to regularize the allotment made to K C Upadhaya. Thereafter another letter dated 16.12.2019 was written to the office of RCS for regularising the allotment made by society to Sh K C Upadhaya as no draw was***

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require(. to be conducted as only flat was unalloted and only one member was left who was awaiting allotment after clearing his dues but again no action was taken by RCS office.

12. ***That it is submitted that the office of RCS has sought certain clarifications from the answering respondent and the same was provided to the office of RCS by the answering respondent vide letter dated 12.10.2020. However, no action was taken by the office of RCS despite the fact that no draw was required to be taken as only one member was awaiting allotment of flat.***

13. That it is submitted that the possession of the flat as on date is with the petitioner herein.

14. As such, the Society has No-objection for confirming the allotment in the name of the Petitioner.

16. A perusal of the above affidavit would show that the fact that Shri K.C. Upadhayay was an original *bona fide* member of the Society is not disputed.

17. It is also not disputed that, since only one flat remained unallotted out of the total 148 flats, no self-draw was required to be conducted.

18. In this factual background, this Court is of the opinion that there can be no impediment in regularising the allotment in favour of the Petitioner, whose mother was the subsequent purchaser of the said flat from Shri K.C. Upadhayay.

19. Under these circumstances, the following directions are issued:-

i) The Petitioner shall appear before the RCS on **2nd December, 2026** at **11:30am** and produce all her documents. On the said date, any office bearer of the Society shall also appear to clarify the position, if

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needed,

ii) After verifying the documents and credentials of the Petitioner, the RCS shall, by **15th January, 2027**, send the recommendation to the DDA for regularisation of the allotment of Flat No. A-8, in Nav Bharat Group Housing Societies, Paschim Vihar, New Delhi in favour of the Petitioner.

iii) The DDA shall, upon receiving the said recommendation, shall issue the letter of allotment/regularisation of allotment within one month thereafter i.e., by **15th February 2027**.

20. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of. Copy of this order be served upon the Managing Committee of the Society, by the Petitioner. Registry to serve this order on the Society as also its counsel.

21. List for reporting compliance on 8th March, 2027.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 20, 2026
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