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

Date of Decision: 23rd November, 2026
Uploaded On: 25th November, 2026

\# **CNR No. DLHC010484502026**

\+ **W.P.(C) 14872/2026 & CM APPL. 69653/2026**

MANEET GUPTA .....Petitioner
Through: Mr. G. L. Verma, Advocate.

versus

REGISTRAR OF COOPERATIVE SOCIETIES & ORS. .....Respondents
Through: Ms. Shobhana Takiar, Mr. Shivam Takiar, Mr. Prateek Dhir, Mr. Kuljeel Singh, Advocates
Mr. Shashi Pratap Singh, Standing Counsel 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. This petition has been filed by the Petitioner, who is a member of the Respondent No.3 Society, seeking setting aside of award dated 26th October, 2025 of Ld. Arbitrator in ***Arb Case No. 74/DR/GH/ARB/2024-25*** and order dated 18th September, 2026 of Ld. Delhi Cooperative Tribunal (‘*hereinafter, ‘DCT’*) in ***Appeal No. 123/2025***.

3. The dispute relates to a car parking space in the Bahawalpur Biradari Cooperative Group Housing Society Ltd (‘*hereinafter, ‘Society’*).

4. The Petitioner is Shri Maneet Gupta who is the son of Shri O.P. Gupta.

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The Petitioner is the owner of Flat No. A-403 in the said Society. He had a grievance with the Society in respect of the car parking space allotted to him.

5. The background of the case is that the Society at the relevant point of time, i.e., in 2005, collected Rs. 20,000/- for car parking space charges, which was described as 'sale'. The Petitioner had paid the said amount and in the draw of lots, the Petitioner was allotted a car parking space number A-9. However, his grievance is that there was no transfer of the car parking space along with Flat No. A-403.

6. The stand of the Society is that the car parking space is given on licence and is not transferred in favour of any member. The people who are occupying the flats are merely permitted to use the car parking space on a non-transferable basis.

7. In this regard, the Petitioner had approached the Ld. Arbitrator under *Section 71 of the Delhi Co-operative Societies Act, 2003*. He raised a dispute in respect of the illegal auction and commercial activity in relation to car parking slots in the Society. It was his allegation that without transferring the car parking space, the Society was indulging in auctioning of the parking spaces, which is contrary to the DCS Act and the Rules.

8. Ld. Arbitrator, after considering the stand of the Petitioner and that of the Society *vide* Award dated 26th October, 2025, observed as under:-

> *"Despite sufficient opportunity being provided, Shri O.P. Gupta appearing for the claimant Shri Maneet Gupta (Member) could not produce any document which suggests that the parking lot has been auctioned or sold out to members/non-members. On the contrary, the financial audited financial statements submitted by the society along with receipts confirms collection of one time parking allotment fee from the new allottees in*

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the year 2024 at the rates duly approved by Governing Body of the Society vide Minutes of Annual General Body Meeting dated 19/10/2024.

Further, the claimant could not produce any document / complaint from any other member stating that any additional demand is made by the society from the claimant or any other Old Member of the society. The newly allotted members for the parking lot also have not made any complaint as far as charging of parking fee at new prescribed rates is concerned. In such scenario, I am not inclined to accept the claim of Shri O.P, Gupta, it being a commercial activity. It is an admitted fact by the claimant that he has not suffered any financial loss from the new parking allotment policy of the Society and no new demand against him is raised on account of the said policy.

In view of the facts and circumstances of the case narrated above, I find no substance in the complaint made by Shri O.P. Gupta. I find no infirmity in such collection of parking fee at the prescribed rate by the Governing Body. This award is made under Section 71 of the Delhi Co-operative Societies Act, 2003. Given under my hand and seal on 26th October 2025 at Delhi"

9. As per the Ld. Arbitrator, no document could be produced by the Petitioner to show that the parking lot allotted to the members has been sold to the said members. In fact neither the old Members nor the new Members of the Society had any grievance against the collection of the Parking charges by the Society. As per the Society it was merely collecting one time car parking fees which was also verified in the minutes of Annual General Body Meeting and the decisions of the Society taken from time to time.

10. This Award of the Ld. Arbitrator dated 26th October, 2025was appealed

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before the DCT. The DCT, vide order dated 18th September, 2026, came to the conclusion that there was no auction of car parking spaces. The findings of the DCT are as under:-

> *"……*
> *24. In view of above discussion& findings, we find the appeal devoid of merits with following observations-*
>
> *(i) Respondent Society is not involved in the sale of parking slots on sale & re-sale of flats and has rather allocated parking spaces as per their policy of 2005 & thereafter of 2024, in a transparent manner.*
>
> *(ii) The minutes of the meeting of the AGM held on 13.10.2024 mention all the details of available covered car parking slots (agenda item no. 4); proposed car parking policy (agenda item no. 5) and we find that a very transparent & exhaustive policy has been approved by the General Body. Further, the letter dated 24.10.2024 has been issued in terms of the car parking policy approved by the AGM. We do not find any violation of the DDA Lease, DCS Act, 2003 & DCS Rules, 2007.There is nothing adverse in this car parking policy, which needs the interference of this Tribunal. Therefore, there is no ground to quash and set aside the minutes of the meeting of the AGM held on 13.10.2024 and the circular dated 24.10.2024.*
> *(iii) The claim of the Appellant for refund of Rs. 20,000/- together with 15% interest per annum from 15.05.2005 till realization, is rejected.*
> *(iv) Respondent Society has already placed all the details of car parking policy i.e. letter/circular dated 16.03.2005 & minutes of the meeting of AGM held on 13.10.2024 and the details of amounts received through copies of balance sheets during the proceedings. No further directions are required on this issue."*

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11. The submission of Mr. Verma, Ld. Counsel appearing for the Petitioner is two-fold; firstly, that the Society is auctioning the car parking facilities; and secondly, that such auctioning/sale is not permissible as per the Delhi Development Authority (DDA).

12. The Petitioner's father, who is a senior citizen present in Court, has expressed his anguish that his car parking has not been recognized by the society and hence he has been fighting a long dispute with the Society.

13. On behalf of the Society, Ms. Puri has appeared and submits that there is no auction of car parking spaces which is being done by the Society. The stand of the Society is that only one-time charges are being collected for allocation of the car parking in order to enable the Society to maintain the car parking and to take care of the interest of the members.

14. Mr. Singh, Ld. Counsel appearing for the RCS, submits that this case does not call for any interference against the order of the DCT.

15. The Court has perused the record. As per the Society, it has initially charged a sum of Rs. 20,000/- in the year 2004-05 for allocation of the car parking. Thereafter, the charges, however, have been increased to Rs. 60,000/- in the year 2014 and Rs. 1,00,000/- in the year 2024. The Society's stand is that these charges are one-time charges and no auction or sale is being conducted and since there is a shortage of parking spaces, the same is allotted through draw of lots.

16. At this stage, a perusal of the minutes of the AGM dated 19th October, 2024 shows that the Society uses the word *'sale price'* in respect of parking space which may be the cause for the concern raised by the Petitioner.

17. Moreover, the second concern by the Petitioner is that the Petitioner is

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seeking for himself to be recognized as the licensee of the car park slot A-9. Hence, the prayer of the Petitioner is that the said parking slot ought to be transferred to him.

18. After considering the matter, this Court is of the opinion that the Petitioner's grievance primarily arises from the non-recognition of his rights towards parking slot number A-9. Undisputedly, the Petitioner deposited a sum of Rs. 20,000/- in 2005.

19. The Petitioner does not reside in India and according to him, his tenant lives in the flat.

20. The findings of the ld. Arbitrator and the DCT are clear to the effect that there is no evidence of auctioning or sale of car parking spaces. In fact the DCT has examined the Minutes of the Society and observed that all the charges are clearly spelt out in the Minutes in a transparent manner. The DCT also observes that there is no violation of the DDA's lease or the Act and Rules.

21. Under these circumstances, this Court is inclined to dispose of the present petition in the following terms:-

i) The findings of the DCT and the Ld. Arbitrator do not call for any interference.

ii) The collection of charges by the society for car parking shall be termed as *'licence fee'* and the one-time payment shall not be construed as auction or sale price for the parking space.

iii) In so far as the Petitioner is concerned, so long as the Petitioner is the owner of the said flat bearing No. A-403, the occupant of the said flat, i.e., either the Petitioner or his family or his tenant shall be recognized as being fully entitled to use the car parking slot bearing

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No. A-9 which is related to flat number A-403.

22. With these directions, the present petition is disposed of. Pending applications, if any, are also disposed.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 23, 2026
'*rs'/nd*

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