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

Date of Decision: 4th November, 2026

Uploaded on : 10th November, 2026

\# **CNR No. DLHC010260302025**

\+ **W.P.(C) 5763/2025 and CM APPL. 25746/2026**

HARDEEP SINGH .....Petitioner

Through: Mr. Nitish Chaudhary and Mr. Saurav Joon, Adv.

versus

REGISTRAR OF COOPERATIVE SOCIETIES & ORS. .....Respondents

Through: Ms. Urvi Mohan, Adv. for RCS. Mr. G. S. Oberoi, SC DDA, Mr. Ankur Sharma, Adv.

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 – Hardeep Singh under Article 226 of the Constitution of India seeking issuance of appropriate directions for allotment of a flat in the Respondent No.3 society *i.e.,* Arvind Co-operative Group Housing Ltd. *(hereinafter, 'the Society')*.

3. The case of the Petitioner is that he was admitted as a member of the Society on 12th March, 2003 *vide* Membership No. 123. All payments were made by the Petitioner for fulfilling the financial obligations incidental to the membership. The total payment made by the Petitioner is stated to be approximately Rs. 33,89,686/-.

4. The Society had a total of 114 flats and 2 flats out of the same were not allotted. It is the case of the Petitioner that out of the said 2 flats, one was due

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to be allotted to the Petitioner.

5. The draw of lots in the society was held sometime in 2012 by the Respondent No. 2– Delhi Development Authority *(hereinafter, 'DDA')*. However, the Petitioner was not included in the said draw of lots.

6. Further, the case of the Petitioner is that repeated representations have been made on his behalf to the society and several inquiries have also been made. However, no action had been taken.

7. The Petitioner has thereafter been informed in an RTI response that his membership has not been approved due to a charge sheet which was filed by the Central Bureau of Investigation (CBI) being CBI No. 22/2008 (New No. 53/2016), wherein the Petitioner has also been charge-sheeted and trial is presently underway.

8. On 9th May, 2025, after hearing the submissions made by the ld. Counsel for the Petitioner, this Court had directed as under:

> *"[...] 9. Heard. Issue notice to the Respondents.*
>
> *10. Let the Respondent No. 1- Registrar of Cooperative Societies look into the matter and state as to whether there is any other reason due to which the membership of the society is not being allotted to the Petitioner. If the only reason for not allotting the said membership is the pendency of the CBI case, then the Society / Registrar of Cooperative Societies can even consider the grant of membership and allotment of the flat, subject to the outcome of the said case being CBI No. 22/2008 (New No. 53/2016). Let the decision be taken by the Society/ Registrar of Cooperative Societies and the same be placed on the record by the next date of hearing.*
>
> *11. Let counter affidavit be filed by the Respondents within four weeks. Rejoinder thereto, if*

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any, be filed within four weeks thereafter.

12. Issue notice to all other Respondents. List before Joint Registrar on 23rd July, 2025 for completion of pleadings.

13. List before Court on 25th September, 2025."

9. As can be seen from the above order, notice was issued in the present petition and Respondent No.1-the Registrar of Cooperative Societies (*hereinafter 'RCS')* was supposed to look into the matter and state as to whether there was any reason why the membership of the Society was not being allotted to the Petitioner.

10. Thereafter, on 25th September, 2026, the Court had also noted that if the only reason for non-allotment of the membership is the pendency of the CBI case, the same would be allotted, subject to the outcome to the said case.

11. Despite these being the directions of the Court, very little progress has been made towards the finalisation of the membership of the Petitioner.

12. The matter has been taken up for hearing from time to time. Today, ld. Counsel for the RCS has placed a status report filed under the signatures of Deputy registrar, H/See-01, on behalf of the RCS.

13. As per the said status report, the RCS has given various reasons as to why the membership of the Petitioner has not been approved as yet. The main reason seems to be the non-existence of certain original documents which have not been produced by the Society before the RCS. The details of the said original documents are as under:

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S. No.	Details of the Documents	Objections
1.	Application for Membership	Not produced
2.	Original Affidavit filed at Time of Enrolment	A photocopy of the same dated 30th August, 2026 has been furnished
3.	Managing Committee Resolution	Not Produced
4.	Share Certificate	Though the original share certificate has been given, the same does not bear the signature of the President.
5.	Membership Register	Neither original nor CBI certified copy shown.

14. The RCS has, therefore, placed the blame squarely at the door of the Society for not producing the record.

15. In addition, an issue about the No-dues certificate of the Petitioner has also been raised.

16. The President of the Society- Mr. Jai Bhagwan Chahar is present in Court today, along with the original file of the records of the Society.

17. A perusal of the original file of the Society would show that copies of various documents relating to the Petitioner are in the records of the Society, and the Society does not dispute the membership of the Petitioner.

18. Ld. Counsel for the Society has relied upon the order dated 15th September, 2026, passed by the ld. Single Judge of this Court in

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CONT.CAS(C) 647/2023 titled '***Bhupendra Singh Kalakoti v. M.G. Sathya & Anr***.

19. In the said case, in respect of another member of the Society, who is similarly placed, the ld. Single Judge had directed that the RCS would confirm the factum of the existence of the documents from the CBI, at its own level, and do the needful in terms of the directions passed by this Court.

20. The relevant portion of the said order is set out below:

> *3. At this stage, learned counsel for the respondents-RCS submits that the documents, of which original copies are sought by the respondents-RCS, have been confiscated by the Central Bureau of Investigation ("CBI").*
>
> *4. He draws the attention of this Court to paragraph 11 of the aforesaid Status Report of the respondents-RCS, wherein, the said submission made on behalf of the Arvind Co-operative Group Housing Society Limited ("Society") has been recorded.*
>
> > *"xxx xxx xxx*
> > *11. That the society has failed to produce original Membership Register which essentially records the data of enrolment/resignation of members viz. date of enrolment, serial no. of members, addresses of members, occupation details, nominee etc. It has been submitted that the original register is in custody of CBI. However, CBI certified copy has not been produced instead a illegible photocopy of some document claimed to be membership register has been shown which cannot be taken as genuine on its face. xxx xxx xxx"*
>
> *5. Learned counsel for the respondents-RCS submits that the Society and the petitioner can file certified*

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copies of the requisite documents, as obtained from the CBI.

6. However, this Court is of the considered view that no such certified copies can be obtained from the CBI, either by the petitioner or by the Society.

7. Accordingly, the respondents-RCS is directed to confirm the said factum from the CBI, at its own level, and do the needful in terms of the directions passed by this Court. 8. List on 04th November, 2026*."*

21. The Court has heard the ld. Counsels for the Petitioner, the RCS and the Society. Having perused the Society's record, the Court is convinced that there is no genuine objection or doubt as to the Petitioner's membership. Some original documents are on the record of the Society, such as receipts which show payments of various amounts.

22. Copies of all the documents have been furnished, only the originals are not available, as they are stated to have been seized by the CBI in year 2005-06.

23. In the opinion of this Court, the member, who is a genuine member of the Society, cannot be made to suffer for any lapses of the Society. The RCS may be right in insisting on original documents, however, in effect today, there appears to be an impossibility in obtaining the original documents as they are no longer with the Society.

24. Further, insofar as the outstanding dues towards the Society are concerned, the Managing Committee of the Society *vide* letter dated 9th April, 2017 pertaining to resolution passed in meeting held on 9th April, 2017 *(hereinafter, 'letter dated 9th April, 2017')* has stated that all dues are paid by the Petitioner. The said letter is as under:

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ARVIND CO-OPERATIVE GROUP HOUSING SOCIETY LTD.

Plot No. 9, Sector-19B,
Dwarka Phase-II, New Delhi-110075

Ref. No. ACGHS/RCS/2017/ Date 09-04-2017

AN EXTRACT OF THE MANAGEMENT COMMITTEE RESOLUTION PASSED IN ITS MEETING HELD ON 09.04.2017

..... **To discuss and approve recommending the case of Shri Bhupendra Singh Kalakoti, M. No 118 and Shri Hardeep Singh, M.No.123 for draw of lots**

The Secy. Informed the MC that Shri Bhupendra Singh Kalakoti, M. No 118 and Shri Hardeep Singh, M.No.123 had paid all the dues since then. The names of both of Shri Bhupendra Singh Kalakoti, M. No 118 and Shri Hardeep Singh, M.No.123 are recommended. Shri Bhupendra Singh Kalakoti, M. No 118 has also submitted the Indemnity Bond etc and also cleared all dues. The MC discussed at length and decided to recommend the name of Shri Bhupendra Singh Kalakoti and Shri Hardeep Singh to RCS for Draw of Lots by the DDA. The Secy. is authorized to send the name of Shri Bhupendra Singh Kalakoti and Shri Hardeep Singh to RCS for draw of lots. In this regard the MC passed the following Resolution:-

Resolution No 1

" It is resolved to recommend the name of Shri Bhupendra Singh Kalakoti, M. No 118 and Shri Hardeep Singh, M.No.123 to the RCS for clearing name and recommend to the DDA to hold the draw for allotment of Flat to Shri Bhupendra Singh Kalakoti (He has paid all the pending dues and submitted the Indemnity Bond etc) and Shri Hardeep Singh. The Secy will take further action in the matter."

****SD****
(Maheshwar Koliwad)
Hony. Secy.

****SD****
(Rajesh Malik)
President

Received 09/04/2017

****SD****
(Satish Bhatia)
MMC

****SD****
(Ritu Mittal)
MMC

****SD****
(Sandeep Khare)
MMC

For Arvind Co op Group Housing Society Ltd.

Hony. Secretary

Regn. No.

(Maheshwar Koliwad)
Hony. Secretary

25. The two members in respect of whom the said letter was issued is Mr. Bhupinder Singh Kalakoti, who is the Petitioner in ***CONT.CAS(C) 647/2023*** and the Petitioner herein.

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26. At this stage, the President of the Society – Mr. Jai Bhagwan Chahar who is present today, submits that there is no dispute as to the extract of the letter dated 9th April, 2017, though the original register of the Managing Committee's resolution is not available with the Society, and the same is with the CBI.

27. A perusal of the letter dated 9th April, 2017 extracted hereinabove would show that the same has been confirmed by the Secretary of the Society at the relevant point in time. Thus, there is no reason why this letter should be suspected.

28. In this background, the following directions are issued:

(i) ***Separate Affidavits to be filed***: Insofar as the documents which are required by the RCS are concerned, let the Petitioner and the Society file two separate affidavits before the RCS affirming that the documents submitted by them are true copies of the original documents.

(ii) ***Submission of Indemnity Bond:*** The Petitioner shall also file an indemnity bond before the RCS.

(iii) ***Approval of Membership and Timeline for decision***

(a) Subject to receipt of the affidavits and the indemnity bond, the RCS shall proceed further and approve the membership of the Petitioner.

(b) Let the decision in this regard be taken by **15th December, 2026**. The Petitioner and the Society's office bearers shall appear before the RCS on **19th November, 2026** at **2:30 p.m**.

29. Upon submission of the affidavits and indemnity bond, no further objections shall be raised by the RCS. If the RCS requires any further confirmation, they are free to adopt the same course of action as was directed

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in the order dated 15th September, 2026 passed in ***CONT.CAS(C) 647/2023*** and obtain confirmation from the CBI at its own level.

30. However, the said confirmation would not in any manner impede the further processing of the membership and the recommendation of the RCS in favour of the Petitioner to the DDA. If, however, any documents are found to be not genuine, this order would not come in the way of the RCS or the Society taking action against the Petitioner in accordance with law, at a future stage.

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 4, 2026
Rahul/A/sm

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