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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 9<sup>th</sup> July, 2026******Uploaded on: 13<sup>th</sup> July, 2026***+ **W.P.(C) 10050/2025 and CM APPL. 16468/2026**

PANKAJ GUPTA

.....Petitioner

Through: Mr. Dhananjai Jain, Mr. Bhoop Singh,  
Mr. Anurag Mishra and Mr. Himanshi,  
Advocates.

versus

SECRETARY RASHMI APARTMENTS  
& ORS.

.....Respondents

Through: Mr. Prag Chawla, Adv.  
Ms. Vaishali Gupta, Panel Counsel ( Civil ) Gnctd , Adv. for R-2.  
Mr. Tushar Sannu - Standing Counsel  
MCD, Mr. Parvin Bansal - Adv & Mr.  
Ritik Anmol Adv. for MCD.  
Mr. Yashpal Chauhan, SO for RCS.  
Ms. Neha Rastogi (Sr. Panel Counsel)  
with Mr. Rajat Dubey, Advocate for  
R-4 04 (SHO).**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed under Article 226 Constitution of India by one of the members of the Rashmi Apartments, Amrit Cooperative Group Housing Society, Harsh Vihar. Pitam Pura. Delhi - 110001 (*hereinafter, 'the Society'*), seeking issuance of appropriate directions with



respect to the inspection and structural safety audit of the building in the Society.

3. Further to the order dated 23<sup>rd</sup> March, 2026 passed by this Court, the MCD as also the Registrar Co-operative Societies (RCS) have filed their respective reports. The directions given by the Court in the previous order dated 23<sup>rd</sup> March, 2026 are as under:-

*“9. Under the circumstances, this Court is of the opinion that there needs to be some supervision of the work being carried out in the Society. Accordingly, the following directions are issued:*

*i) The Registrar Cooperative Societies (hereinafter, ‘RCS’) shall Depute a Senior Official, who shall hold a meeting with all the members of the Society on 30<sup>th</sup> March, 2026 at 11.30 A.M. The RCS official shall ascertain from all the members as to whether an independent architect is to be appointed or whether the members are satisfied with the present work that has been carried out.*

*ii) On the said date, two officials from the Maintenance Department of the MCD, are free to visit the Society so that in the presence of the RCS official, they can also inspect the Society. If an architect from the MCD can be nominated to supervise, the same shall be considered.*

*iii) The Society through the President shall place on record a detailed affidavit giving the complete details of the repair work undertaken, the process adopted, the architect who was appointed, the funds paid to the architect and for what purpose, as also the remaining repair work that is outstanding. The cost of the remaining work shall also be placed on record.”*

4. Pursuant to the above directions, the RCS has held an interaction with the Society members on 8<sup>th</sup> April, 2026 through one of its officials, Shri Vikas,



Senior Assistant, who has given a detailed enquiry report. As per the said report, a total of 64 members of the Society participated in the interaction. The details of the persons are as under:-

| S.No.        | Category                              | No. of person present | In favour of Independent Architect | Satisfied with the existing work already executed by the society |
|--------------|---------------------------------------|-----------------------|------------------------------------|------------------------------------------------------------------|
| 1.           | Members of the society                | 34                    | 1                                  | 33                                                               |
| 2.           | Resident of the society (Non members) | 30                    | 2                                  | 28                                                               |
| <b>Total</b> |                                       | <b>64</b>             | <b>3</b>                           | <b>61</b>                                                        |

5. Out of the 64 members who participated in the said interaction, 61 members were satisfied with the existing work already executed by the Society and did not favour the proposal of bringing in an independent architect. Thus, evidently, the majority of the members of the Society are satisfied with the work already going on.

6. Insofar as the MCD is concerned, a site visit has been done through Sh. Aman Shedha, MCD Registered Structural Engineer. Thereafter, the Executive Engineer, Shri. Phinnoo Ram Meena, Keshavpuram Zone, MCD, has filed a status report to the effect that there are certain structural deficiencies and material distress in the building in the Society. The status of



the repair and strengthening work was that the same had been initiated at certain locations, particularly at the stilt level of blocks F and G.

7. As per the MCD, the present repair work is insufficient and the following issues have been noticed:-

*“H. The following issues were particularly noticed:*

*♦ Structural cracks in several locations remain unaddressed. Repairs of shafts, beams and plaster in some portions of F-Block and G-Block are still pending. Structural strengthening appears to have been carried out in certain columns and stilt slab areas only.”*

8. A copy of the site visit report has also been placed on record by the MCD, wherein the MCD clearly states that it would monitor the situation on an ongoing basis.

9. The present petition had been filed, *inter alia* seeking directions that an Administrator ought to take over the affairs of the Society and structural safety audit ought to be conducted.

10. Broadly, the status report of the RCS and the MCD has given the Court the status of the building. There are repair works that are required to be undertaken. However, a majority of the members are presently satisfied with the repair work that is going on.

11. Under these circumstances, it is for the Managing Committee and the Members of the Society to undertake whatever further repair work is needed. If at any point in time the assistance of the RCS or the MCD is sought by the Society or its Members, the same shall be provided.

12. The Executive Engineer (Maintenance)-II, Keshavpuram Zone, MCD shall continue to make monthly visits to the Society so that the work is being supervised on an ongoing basis to ensure the safety of the residents in the Society. Ld. Counsel for the MCD to communicate this order to the concerned



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Executive Engineer to ensure compliance.

13. With these observations the petition is disposed of with all pending applications, if any.

**PRATHIBA M. SINGH**  
**JUDGE**

**VIKAS MAHAJAN**  
**JUDGE**

**JULY 9, 2026/MR/SS**