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

Date of decision:-12th February, 2026.
Uploaded on:- 16th February, 2026.

\+ **W.P.(C) 9665/2023 & CM APPL. 45085/2025**

SMT KAMLA AGGARWAL .....Petitioner
Through: Mr. Shailender Dahiya, Adv. (M: 9312275287)

versus

VIKAS CO OP GROUP HOUSING SOCIETY LTD AND ANR .....Respondents
Through: Mr. Raghvendra Upadhyay Panel counsel GNCTD and Ms. Purnima Jain, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 45085/2025(for delay)

2. This is an application filed by the Petitioner seeking condonation of delay in filing the written statement.

3. For the reasons stated in the application, the delay is condoned. Application is disposed of.

W.P.(C) 9665/2023

4. This is a petition filed by the Petitioner seeking quashing of the impugned order dated 30th September, 2022 passed by the Financial commissioner, Delhi, and the order dated 20th June, 2012 passed by the

Registrar of Cooperative Societies, Delhi.

5. The background of the case is that a draw of lots was conducted by Vikas Co-op. Group Housing Society Ltd. *(hereinafter, 'the Society')* in 2003 and the Petitioner was allotted flat No. 2-H in the Society. Possession of the flat was also handed over to the Petitioner on 11th February, 2004.

6. Thereafter, a complaint was filed by the Society against the Petitioner and another member– Ms. Shanti Verma by Vikas Co-op. Group Housing Society Ltd. *(hereinafter, 'the Society')* before the Registrar of Cooperative Societies *(hereinafter, 'RCS').*

7. The prayer in the said complaint was that the brother of the Petitioner- Mr. Dinesh Kumar, who was the original member of the Society, had transferred his membership to his sister– Mrs. Kamla Aggarwal. The allegation in the Complaint was that the said brother of the Petitioner, Mr. Dinesh Kumar, had incurred disqualification under Rule 25 of DCS Rules, 1973, read with Rule 20 of DCS Rules, 2007, for owning a farm house at No. 26, Kumar Farms, Mustali Mandi Road, Jona Pur, Mehrauli, Delhi. Thus, the complaint in effect challenged the Petitioner's right to be a member.

8. A Show Cause Notice was issued to the Petitioner on 31st December, 2007 as to why her membership to the Society should not be ceased.

9. Reply was filed to the same by the Petitioner, as also by the Society. Thereafter, the RCS passed an order on 20th June, 2012, ceasing the membership of the Petitioner. The operative portion of the said order dated 20th June, 2012 reads as under:

> *"7. I have gone through the record as well as submissions made by the parties and their advocates and heard arguments of both the parties. The respondent Smt. Kamla Aggarwal has not denied the fact that his*

> *transferor brother Shri Dinesh Kumar did own the property as stated above. Keeping in view the facts on record it is evident that Shri Dinesh Kumar was not eligible to transfer his membership in favour of his sister Smt.Kamla Aggarwal who became disqualified to become the member of Vikas Co-Operative Group Housing Society Ltd. from the same date when she was enrolled member of the society*
> *08. In view of above I am convinced with the version of the complainant and therefore order cessation of membership of Smt. Kamla Aggarwal (Membership No.56) u/r 20 (1) of the Delhi Co-Operative Societies Rules 2007 in Vikas Co-Operative Group Housing Society Ltd. from the date she became member of the society."*

10. This order of the RCS was appealed before the Financial Commissioner, Delhi, who also dismissed the appeal vide order dated 30th September, 2022, in the following terms:

> *" In the light of the above, this Court is of considered view that there is no infirmity in the impugned order dated 20.06.2012 passed by the Registrar Cooperative Society and the same is upheld. The RCS is also directed to keep a watch on the society as well as the flat in question, especially in view of the stand of the society to facilitate the present petitioner to occupy the flat. The Revision Petition is accordingly dismissed. No order as to costs."*

11. It is these two orders dated 20th June, 2012, and 30th September, 2022, that stand challenged before this Court.

12. The contention of ld. Counsel for the Petitioner is that some members in the Managing Committee of the society have a grievance and grudge against the Petitioner, because of which the complaint was originally made.

13. Moreover, the Petitioner was the original allottee in the draw of lots

and prior to the said period, no complaint was ever made against the said Petitioner.

14. It is further submitted today by the Society that the Petitioner has been a *bona fide* member of the Society all along, from 2003-2004 and therefore, the Society has no grievance against the Petitioner.

15. No counter affidavit has been filed on behalf of Respondent No. 2–RCS in this matter. A mere status report has been filed on their behalf, asserting the same issue regarding the brother of the Petitioner being in disqualification of the membership in the Society.

16. On a query from the Court, ld. Counsel for the Society submits that the Petitioner has cleared all her dues and the No objection Certificate (NOC) has since been issued by them.

17. From the facts that have emerged it is clear that the brother of the Petitioner who was the original member had transferred the membership prior to the Petitioner being allotted the flat. The Petitioner is in no way disqualified from being a member and the allotment was directly made to the Petitioner. At this stage, after so many years, a historical alleged question mark on the Petitioner's brother being disqualified, cannot result in the Petitioner being deprived of her membership. It would be totally unjust to deprive the Petitioner of her membership – that too 20 years after she was made the allotment. Admittedly, the draw of lots was in her favour. In view of the above position, the following directions are issued:

i. The impugned order of the RCS dated 20th June, 2012 and of the Financial Commissioner, Delhi, dated 30th September, 2022 are set aside.

ii. The Society shall also issue a fresh No Objection Certificate in

favour of the Petitioner, which shall also be forwarded by the Society to the RCS. If any dues are to be cleared for the said purpose, the Petitioner shall clear the same.

iii. The Petitioner, along with an Authorized Representative/office bearer of the Society shall appear before the RCS on **10th March 2026 at 11.30 am**, along with all the necessary documents.

iv. The RCS shall then forward the recommendation of the Petitioner's membership in the Society to the Delhi Development Authority.

v. Further, if the Petitioner wishes to convert the flat from leasehold to freehold, the recommendation for the same shall also be forwarded by the RCS to the DDA.

vi. The DDA shall then process the Petitioner's documents and after payment of any outstanding charges, the flat shall be converted into freehold.

18. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 12, 2026
dj/ss