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

Date of Decision: 19th March, 2025

+ **W.P.(C) 3394/2025 & CM APPL. 16057/2025, 16058/2025**

SH. B.K. GUPTA

.....Petitioner

Through: Mr. Dhananjai Jain and Mr. Anurag
Mishra, Advs.

versus

SH. SATISH KUMAR GUPTA & ANR.

.....Respondents

Through: Ms. Urvi Mohan, Adv. for R-1. (M:
7718992441)
Mr. Hitesh Sachar, Ms. Anju Jain and
Mr. Lakshay Nagpal, Advs. for R-2.
(M: 9711428412)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.16058/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 3394/2025 & CM APPL.16057/2025 (for stay)

3. The present petition has been filed by the Petitioner -Mr. B.K. Gupta under Article 226 & 227 of the Constitution of India *inter alia* seeking issuance of an appropriate writ seeking quashing of the recovery certificate bearing F. No. 107739630/RCS/S-4/2024/867 dated 18th October 2024 issued by Respondent No.1 Office of the Registrar Co-operative Societies .

4. The Petitioner has raised various grievances against the Respondent



No. 2- Kaymes Co-Operative Group Housing Society Ltd., which is managing Geeta Apartments, Block-17, Geeta Colony, Delhi-110031 (hereinafter '*society*').

5. The present petition has not been properly drafted. At the outset, this has been pointed out to Id. Counsel for the Petitioner. Ld. Counsel apologizes for improper drafting in the petition and submits that he would file a proper affidavit. However, considering the nature of the matter, the Court has proceeded to consider the documents, which have been annexed with the petition.

6. The grievances, as per Id. Counsel for the Petitioner, is that there are a total of 200 flats in the Society, however, the management of the Society has been vested with only 50 flat owners and there is no proper management for the last several years. Further, no elections for the constitution of the management of the society have been conducted in several years.

7. In addition, various monetary demands have been raised against the Petitioner, who is the occupant of the Flat No. 59 in the society, without giving any details as to the manner in which the sums are being charged. Moreover, the grievance is also to the effect that the office of the Registrar, Cooperative Society is also in collusion with the said management and the recovery certificates have been issued based on the illegal demands being raised by the management of the Society.

8. One such recovery certificate dated 18th October, 2024, signed by Mr. Satish Kumar Gupta has been perused by the Court.

9. Ld. Counsel for the Petitioner also submits that when the Petitioner or any other member of the society have filed a petition or other legal proceedings against the society, huge legal costs have been saddled upon such



members of the Society.

10. Ld. Counsel appearing for the Society has placed on record the order dated 3rd December, 2024 in ***B.K. Gupta & Ors. v Registrar Co-operative Societies & Ors.***, The said order is in respect of the representation dated 1st July, 2024 sent by the Petitioner to the RCS in regard to the illegal working of the management of the society. A Coordinate Bench of this Court has directed that the representation would be decided by the RCS. The operative portion of the said order reads as under:

“9. In light of the above, the present petition is disposed of with a direction to the respondent no.1/RCS to decide the representation dated 1st July, 2024 in accordance with law by way of a speaking order within four (4) weeks from today. The rights and contentions of all the parties are left open.”

11. Let the RCS place on record the order passed pursuant to the order of the Id. Division Bench dated 3rd December, 2024 in ***W.P.(C) 16674/2024***.

12. In the meantime, the Court has perused the demand notices dated 31st March 2024 and 30th June 2024 issued by management of the society, which are extremely vague and do not clarify any date from which charges have been computed or the manner in which demands have been raised against the occupants.

13. Under such circumstances, it is directed that Mr. Nirdosh Sareen, who is the Secretary of the Society, shall remain present in Court on the next date of hearing.

14. The Id. Counsel for Petitioner may file an additional affidavit along with any additional documents. The same may be placed on record within two weeks.



15. If the Society wishes to place on record any documents, it is free to do so within four weeks.
16. No coercive steps shall be taken for recovery of the impugned demands by the Society or the RCS, against the Petitioner .
17. In the meantime, let the RCS assign this Society's record to another official, who can look into the matter and file an affidavit.
18. For the said purpose, if the new official, who would be nominated, wishes to interact with the Petitioners/ other occupants, the Petitioner and at least five other residents are permitted to appear and apprise the said Official of their stand.
19. List on 28th April, 2025.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 19, 2025/dk/ck