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

Date of Decision: 20th March, 2025

+ **W.P.(C) 2820/2019 & CM APPLs. 13134/2019, 6995/2022**

SH. RAVINDER PAL SINGHPetitioner

Through: Mr. Rupendra Pratap Singh, Adv.

versus

REGISTRAR COOP. SOCIETIES, DELHI & ANR.Respondents

Through: Ms. Rachita Garg, Mr. Agam Rajput &
Ms. Preeti, Advs. for R-1.

Mr. Vivek Tandon, Ms. Perna Tandon
& Mr. Harshit S Gahlot, Advs. for R-2
(Mob:8447001099)

Ms. Usha Pandey, Adv. for R-4 & 6
(Mob: 9871000801)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner - Mr. Ravinder Pal Singh has filed the present petition seeking setting aside of the impugned order dated 23rd September, 2016 issued by the Registrar Co-operative Societies (RCS) which allowed the transfer of membership from prior members to various other persons. In addition, the prayer is that no transfer of membership or occupancy rights should be permitted till the final determination of the membership rights. The prayers in the present petition are set out below:-

*“a), the impugned order dt.23.09.2016 passed by the
RCS/Respondent No.1 may kindly be set-aside and
quashed; and*

*b). Respondents may kindly be restrained from granting
/transferring any membership or occupancy right in*



respect of any flat or member of the respondent society till the final determination of membership rights of other members and their seniority; and”

3. The case of the Petitioner is that he is a member of the Respondent No.2-Society and holds Membership No.276. He alleges that he has not been allotted a flat in the Swarn Apartment, Pitampura, Delhi despite him having already paid the entire cost of the flat to the Respondent/Society. This was due to the fact that while the Society had a total of 126 members, it had constructed only 105 flats. Out of these, 61 flats were duly allotted to 61 members, while the allocation of the remaining flats remained in dispute. It is further informed that multiple litigations have been initiated in this regard.

4. He further submits that the affairs of the Society are to be conducted by a duly elected Managing Committee, which is to be elected by the General Body of the Society after every three years as per Section 35(3) of Delhi Cooperative Societies Act, 2003. However, it is submitted that due to various reasons, no proper elections have been conducted since the expiration of the last elected committee on 13th August, 2013. This, according to him, further contributed to the delay in the allocation process.

5. The Registrar of Cooperative Societies ('RCS'), *vide* various orders had appointed several administrators for conducting elections, none of whom were able to properly execute the same and the dispute of flat allocation remained *lis pendens*. In one such litigation, being *W.P.(C)5408/2016*, this Court *vide* order dated 3rd June, 2016 directed the appointed administrator not delve into the affairs of the Society and with the rights of the members. The said order reads as under:-

“The Administrator appointed by the Registrar Cooperative Societies (RCS) through the order dated



04.01.2016 is directed to be present in Court and explain why the elections to the cooperative society have not been conducted as required of him. The impugned order dated 25.04.2016 appointing a Manager is hereby stayed.

The Administrator is directed not to delve into the affairs of the Society, especially with respect to rights of the members vis-a-vis flats and occupancy given the limited objective for which he was appointed. He is, however, at liberty to proceed to take steps for conducting the election.

Order dasti.”

6. The said writ petition was, thereafter, was disposed of *vide* order dated 26th August, 2016 by which a new Administrator was appointed upon receiving a status report about the election from the RCS. The text of the said order reads as under:-

“W.P.(C) No. 5408/2016

The office report records that the status report has not been filed and is awaited. However, counsel for the respondent No. 1, Registrar, Cooperative Societies states that status report was filed on 24th August, 2016 vide diary No. 206560.

2. The status report has been called for from the Registry and is taken on record.

3. Mr. D.P. Dwivedi, who was appointed as Administrator vide office order dated 4th January, 2016, has relinquished the charge as the Administrator vide letter dated 21st July, 2016 without conducting the elections for the managing committee. Earlier, Mr. A.P.S. Sirohi who was appointed as the Administrator vide order dated 20th March, 2015, too was not able to conduct the elections of the managing committee.

4. Mr. Dhananjay Singh, who is an Advocate, has now been appointed as the Administrator vide office order dated 11th August, 2016. He has been directed to conduct the election of the management committee within 180 days from the date he assumes charge of the Administrator.

5. Mr. P.K. Khanna, Ex-DSP, CBI was appointed as the



Inquiry Officer under Section 62 of the Delhi Cooperative Societies Act, 2003 vide order dated 5th May, 2015. The interim report was submitted by him about a year back on 26th August, 2015. The final report is awaited. By letter dated 17th August, 2016 the Registrar, Cooperative Societies has directed the Inquiry Officer to complete the inquiry and submit the inquiry report at the earliest to the office of the Registrar. We have recorded the aforesaid facts, as

mentioned in the status report, and have not commented or made any observations regarding enquiry or the interim report.

7. In view of the aforesaid factual position, we would dispose of the present writ petition with the direction that Mr. Dhananjay Singh, who has been appointed as the Administrator, should take over as the Administrator within a period of three weeks from the date a copy of this order is made available to him. This period of three weeks has been given as certain formalities, including handing over and taking over of papers have to be completed. Mr. Dhananjay Singh will examine the records and proceed to hold the elections for the managing committee in accordance with the law.

8. If, for any reason, the newly appointed Administrator is not able to hold the elections in accordance with law and as per the appointment letter dated 11th August, 2016, it will be open to him to point out the reasons in an application, which may be moved before this Court. Recording the above, the writ petition is disposed of. No order as to costs. ”

7. It is in this background that the present writ petition has been filed. The allegation in this writ petition is also that the Administrator was delving into transfer of membership and occupancy which was beyond his mandate. *Vide* order dated 20th March, 2019, an interim order was passed holding that the Administrator would not deal with any of the rights of the members. The said order reads as under:-



“W.P.(C) 2820/2019

Issue notice. Counsel for the respondents accept notice. Counter affidavit be filed within six weeks. Rejoinder be filed before the next date.

*In the meantime, we direct that the respondents shall not act upon the impugned communication dated 23.09.2016 and no transfer of membership or flats shall be affected on that basis. **We also direct the administrator not to delve into the affairs of the Society especially with respect to the rights of the members vis-a-vis flats and occupancy, however, he is at liberty to proceed to take steps for conducting the elections.***

The administrator should specifically state in his affidavit what effective steps he has taken to resolve the dispute with regard to the membership and for holding elections expeditiously.

List on 05.08.2019.”

8. Thereafter, the present matter has remained pending since then. A counter affidavit has now been filed by the RCS. In terms of the affidavit of the RCS, the election of the society was conducted 27th February, 2022 under the supervision of the Observer Ms. Ina Malhotra, Retd. District Judge in terms of the order passed in writ petition being ***W.P.(C) 8202/2021***. Subsequently, the Court is informed that the election has again taken place on 27th February, 2025.

9. Today, Ms. Usha Pandey, Id. Counsel appearing for Respondent Nos.4 & 5, who are also residents and members of the society, has pointed out that the Petitioner has no locus to file the present writ petition, inasmuch as he could not prove his membership to the concerned authority. In this regard, Ms Usha explained that the Division Bench of this Court had appointed a two-member Committee, in ***W.P.(C) 9980/2004*** vide order dated 2nd March, 2017, to oversee the preparation of a list of vacant flats. The said order reads as



under:-

“3. The petitioner-Shashi Dua, claims that she had paid Rs.110 towards membership fee on 25.8.1983 and was issued Share Certificate dated 9th March, 1994. She has paid Rs.13.50 lacs towards the cost of land and construction, but she is still waiting for allotment and possession of the flat. Similar grievance is raised in other Writ Petitions.

4. The Registrar, Cooperative Societies, in his affidavit in W.P. (C) No. 9199/2004 titled Dharam Pal Sharma v. Registrar Cooperative Societies, accepts that on complaints of financial irregularities, manipulation of the seniority list and non-audit of the book of accounts against the Management Committee, an inquiry was instituted under Section 55 of the Delhi Cooperative Societies Act, 1972 ('Act' for short). A retired IAS Officer, vide report dated 11.3.2005 had concluded manipulation and irregularities regarding inter-se seniority between members. The accounts, he observed, had not been maintained properly. However, a retired District Judge appointed under Section 59 of the Act to fix responsibility on the members of the Management Committee vide report dated 09.12.2005 had recorded favorable findings and had not recommended any action against the members of the Management Committee or the Administrator. A seniority list of 118 approved members was prepared.

5. The Registrar, Cooperative Societies, did not accept the report of the retired District Judge and had appointed Mr. Rajiv Ranjan, Additional DCP, North-East Delhi as the Inquiry Officer, who conducted a fresh inquiry under Section 55 of the Act. In the meanwhile, the President, the Secretary, and the Administrator of the Cooperative Societies were arrested by the Delhi Police under Sections 409/418/420/477A/120-B/134 IPC.

6. The Registrar, Cooperative Societies had forwarded a list of 78 approved members to the DDA vide letter dated 27.09.2001. It is the case of the petitioner- Shashi Dua that she was in the said list.



Subsequently, vide letter dated 8.6.2004 the Registrar Cooperative Societies had sent a revised list of 69 approved members. This list did not include the petitioner.

7. Status reports have been filed by the Delhi Police in WP(C) No.9199/2004 titled Dharam Pal Sharma v. Registrar Cooperative Societies. These reports refer to and give details of enrolment and expulsion of members. These status report also refer to "draw of lots" held on 10.7.2001 and that possession letters were issued. The list of 36 persons included in the draw of lots had persons who were not in the approved list of members forwarded by the Registrar, Cooperative Societies to the DDA. In another report by the Delhi Police dated 16.8.2008, details of vacant flats and flats in occupation, have been furnished. Some flats were found to be locked.

8. During the course of hearing, learned counsel for the parties have agreed that a committee may be constituted by this Court to examine and verify membership and determine the question of seniority. The committee will also inspect the flats and prepare a list of vacant flats, and details of flats in occupation of a person claiming membership or a third person. These Writ Petitions have remained pending for more than 12 years and an early and prompt resolution is required.

9. We accordingly appoint Ms. Justice (Retd.) Manju Goel and Mr. Justice (Retd.) S.N. Dhingra, as a two-member committee to undertake the said exercise and submit their report, preferably within a period of six months from the date a copy of this order is received. This time period has been fixed as suggested by the Counsel who state that both public notices and individual notices will have to be issued and a copy of the records and papers would have to be obtained from the criminal court. The committee will be entitled to take the assistance of a third person, for the purpose of service of notices, and verification and examination of the documents. The Administrator appointed would provide full assistance and cooperation. The Registrar,



Cooperative Societies will also nominate/assign one officer to assist the Committee. The said nomination would be made within a period of 15 days from the date a copy of this order is received.

10. The members of the Committee will be paid Rs.3,00,000/- each, in addition to out-of-pocket miscellaneous expenses and payment, if any, to the third person appointed by the Committee for assistance. We are informed that the Society has Rs.1.73 lacs in their bank account. Each member will have to deposit an amount of Rs.6,000/- towards expenses. The said deposit will be made with the Administrator on or before the date when they appear and present their papers before the Committee. We are also informed that there are about 126 persons who claim membership (there is some dispute about this figure and the figure should not be treated as exact). The persons who do not deposit the said amount could lose their seniority and would be treated as defaulters. We have fixed the amount of Rs.6,000/- per person, keeping in view the total expenditure which would be incurred in carrying out the said exercise.

11. An interim report will be submitted by the Committee before the next date of hearing. Liberty is also given to the Committee to move an application if required and necessary.”

10. As can be seen, two retired Judges of this Court were appointed as a two-member committee to verify and examine the various documents of all persons who were seeking membership. Justice S.N. Dhingra (Retd.) on behalf of the committee had filed an interim report and a tentative seniority list of the members was also given with the report. Objections were filed and in view thereof the committee was to consider the said objections. The writ petition was disposed on 2nd May, 2018 in the following terms:-

“ A status report authored by Justice S.N. Dhingra (Retired) as head of the Committee has been handed over in the Court today.



A perusal of the same reflects that the Committee prepared a tentative seniority list of members of the Society along with a draft report. This tentative list has been circulated among the members of the Society and objections have been called for, in writing, from the members. Several members and the occupants of the subject flats have filed their objections, along with the relevant documents before the Committee who are in the process of scrutinising them. The Committee has fixed 11.05.2018 as the date for holding a personal hearing of the members of the Society and perhaps, to prepare final seniority list of the members of the Society, in accordance with law. In view of the foregoing, the counsel appearing on behalf of the petitioners seek leave to withdraw this petition in terms thereof. Accordingly, the petitions are dismissed as withdrawn.

11. Ld. Counsel Ms. Usha has also pointed that in case of the Petitioner, the supplementary report clearly records that the Petitioner has no locus whatsoever.

12. The Court has perused the reports. The discussion in the case of the Petitioner - Mr. Ravinder Pal Singh in the supplementary report is detailed and is set out below:-

“Case of Mr. Ravinder Pal Singh

28. Another applicant Ravinder Pal Singh has claimed that his mother late Smt. Kaushalya Kaur was bona fide member of the Society with membership no. 276. His mother, he claims, had made full payment for the flat in the Society. His mother passed away on 26.2.2013 and thereafter membership was transferred in his favour. Due to passage of time, he claims, complete record of payments made to Dakshin Delhi Cooperative Group Housing Society, was not available with him and the same can be ascertained from the Society. He along with application filed documents available with him. The original payment receipts have not been submitted and there is no proof of payments having gone to bank



account of the Society, the Committee is constrained to say that this applicant has failed to substantiate his claim

29. A perusal of record also shows that the Society had sent a list of 116 members to the RCS of those persons who were eligible in 2001. Her name did not appear in that list. In the list sent by the Society, the names of all those persons, who were expelled or had not made payments, were not included. **As per the record of the Registrar office, membership of Member No.276 was cancelled along with few other members because they had not deposited the due amount with the society (page 161/N of the Case of Mr. Ravinder Pal Singh record of the Registrar office). She did not challenge cancellation of her membership at any forum not even before the Registrar. When the Registrar published the list of eligible members, her name was not there. She did not challenge this list also.** It is not understood under whose instructions and advises, she allegedly deposited money with the Society in 2004. The copies of receipts filed by her or Ravinderpal singh show that major amount was deposited in 2004. The amount deposited in 2004 was Rs.3,50,000/-. Prior to 1999, her deposit with the Society is almost Nil. All payments are alleged to have been made after 1999 whereas the Society was constituted in 1972. The copies of receipts filed by her son before the Committee have no authenticity and on the face of it seem to be a fake. No one in the society had authority to issue receipts and accept money from resigned or expelled or cancelled members. **Hence the Committee rejects the application of Mr. Ravinder Pal Singh.**”

13. Thus, it is submitted by the Id. Counsel for the Respondent Nos. 4 and 5 that the Petitioner, not being a member himself, does not have any locus to maintain the present writ petition. It is further submitted that the cause of action (*i.e.*, election), which had necessitated the present writ petition, has also elapsed.

14. The Court has asked the Petitioner to make his submissions in this



regard. Ld. Counsel for the Petitioner submits that he may be given an opportunity to seek instructions.

15. Heard. There is an interim order, which is operating in this matter for the last six years. All this while the Petitioner has not produced any document *per se* to justify his cause. Whereas on the other hand, Justice S.N. Dhingra's (Retd.) report is quite clear that the Petitioner is no longer a member as he failed to produce any document to the satisfaction of the committee.

16. Moreover, the cause of action in this writ petition arose from the allegation that the Administrator delves in any affairs of the society instead of merely conducting the elections. The said election has been conducted long back and even the subsequent elections have passed.

17. Under these circumstances, no relief can be granted in this writ petition. The same is, accordingly, dismissed.

18. The Society and the RCS shall proceed in accordance with law in respect of transfer of membership of genuine and verified members as also give possession to any of the members.

19. The writ petition is dismissed in these terms. All pending applications, if any, are also dismissed.

**PRATHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

MARCH 20, 2025/dk/kk/Ar.