



\$~20 & 21

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

Date of decision: 20th March, 2026

Uploaded on: 24th March, 2026

+ **W.P.(C) 3602/2026 & CM APPL. 17466/2026**

SHARWAN KUMAR JAIN

.....Petitioner

Through: Mr. V. K. Gulati Mr Hemant Gulati &
Ms Rashmi Gulati, Advs. (M:
9999995979)

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.Respondents

Through: Ms. Shagun Sabharwal & Mr. Shashi
Pratap Singh, Advs. for RCS/R-1. (M:
7340989053)

~21

AND

+ **W.P.(C) 3603/2026 & CM APPL. 17467/2026**

KARUNA DEVI

.....Petitioner

Through: Mr. V. K. Gulati Mr Hemant Gulati &
Ms Rashmi Gulati, Advs.

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR.....Respondents

Through: Ms. Avni Singh (Panel Counsel-
GNCTD) with Mr Vaibhav Sharma,
Adv for RCS. (M: 9958018998)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.17466/2026 (for exemption) in W.P.(C) 3602/2026

CM APPL.17467/2026 (for exemption) in W.P.(C) 3603/2026

2. Allowed, subject to all just exceptions. Applications are disposed of.



W.P.(C) 3602/2026

W.P.(C) 3603/2026

3. The present two petitions have been filed by the Petitioners – Mr. Sharwan Kumar Jain and Mrs. Karuna Devi seeking regularization of the allotment of flats in occupation of the Petitioners in the Society as also to submit Petitioners' names to the Delhi Development Authority (*hereinafter, 'DDA'*) for conversion of flats from leasehold to freehold.

4. The background facts of these petitions are that the Pink Cooperative Group Housing Society Ltd. (*hereinafter 'the Society'*) was registered under the Delhi Co-operative Societies Act, 1972 by the Registrar Co-operative Societies (*hereinafter, 'RCS'*) in 1980, with 106 members. The Petitioners herein were part of the original members of the Society. The construction of 106 flats in the Society was completed sometime in 1990.

5. Thereafter, the possession of flats was handed over to the members of the Society in 1991. During the entire period, the Society is stated to have been in continuous communication with the RCS for approval of allotment of 106 flats to the members.

6. In view of the delays that were being caused in the allotment of flats, the Society had filed a writ petition being *W.P.(C) 5649/2014* titled '*Pink Cooperative Group Housing Society Ltd. v. Registrar of Cooperative Societies & Ors.*' The relief sought therein was a direction to the RCS to approve the flats and send the recommendation to DDA for execution of all the necessary documents of title in favour of the members of the Society.

7. In *W.P.(C) 5649/2014*, the RCS had filed a short affidavit dated 29th January, 2016 wherein it had taken a stand that the verification process has been carried out. The relevant portion of the short affidavit in the said writ



petition is extracted below:

“4. That it is submitted that as far as the issue of regularisation of the draw of flats is concerned, the office of the answering respondent has carried out a verification process by calling records from the society and during the verification process, the following position had emerged.

i. The freeze strength of society is 105.

ii. The society constructed 106 flats and enrolled 106 members and presently 106 members are occupying the flats. However a list of 105 members was forwarded vide letter dated 30.12.1996.

iii. Details of 105 members submitted by the society is annexed as Annexure-A.

5. That it is submitted that the above position was submitted by the society vide its letter dated 30.12.1996 enclosing the list as mentioned above. It is pertinent to add here that the society has not submitted its resolution with regard to the acceptance of resignation, enrolment, expulsion and transfer cases. Since the above said record was not submitted, therefore, no action was taken by the office of RCS.

6. That it is submitted that the following documents are required to verify the membership i.e

i. Application form

ii. MC resolution

iii. Share Certificate

iv. Share Money receipt

v. Affidavit at the time of enrolment

7. That the answering Respondent have under taken the verification of list of 105 members furnished by the Society on the basis of the available records and the records submitted by the society and members from



time to time. Upon verification, 82 members can be approved by the answering respondent subject to their furnishing on indemnity bond whereby indemnifying the RCS from any future litigation as to their membership. Besides, this, certain members have not filed the requisite mandatory affidavit in prescribed performa as in the endorsed chart. These members are also required to submit the requisite affidavit in prescribed performa. It is submitted that the indemnity bond is being asked by the answering respondent in view of the fact that the society has not produced the records relating to the resolution passed by the MC enrolling them as members of the society against vacancies caused on account of resignation/expulsion/or otherwise , as such there is possibility of third party claim . The list is annexed as Annexure-B.

8. That it is submitted that since there is no record of MC resolution in respect of enrolment, expulsion, resignation and transfer cases, the society as well as the members are required to submit Indemnity Bond which was devised by the office of the answering respondent in respect of self draw and affidavit stating that no court cases is pending and also there is no claim from any member in respect of his membership.”

8. As can be seen from the aforesaid affidavit filed by the RCS, a verification process was carried by the RCS wherein 105 members of the Society were verified and were found to be occupying flats in the Pink Society.

9. Out of the list of 105 members that was verified by the RCS, the Petitioners herein *i.e.*, Mr. Sharwan Kumar Jain, is reflected at serial no.56 and Mrs. Karuna Devi is reflected at serial No.21.

10. Further, the stand of the RCS in the short affidavit was that there was



lack of submission of documents by the members of the Society which were required, and upon submission of the same, necessary formalities would be undertaken by the RCS.

11. In the light of the short affidavit filed by the RCS, the Id. Division Bench of this Court had passed the order dated 1st February, 2016 in *W.P.(C) 5649/2014*. The order dated 1st February, 2016 reads as under:

“The petitioner society seeks a direction for regularisation of the allotment of flats in occupation of its members. In the course of these proceedings, after notice was issued to the respondents, the Registrar Cooperative Societies (RCS) filed an affidavit on 11.12.2015, disclosing the list of members in terms of its records and also the status of verification etc.

Today, however, it has been stated that a further affidavit dated 29.01.2016 has been filed; the same is, however, not part of the record. A copy of the said affidavit is sought to be placed on the record. The said copy shall be taken on the record. At the same time, the respondents shall ensure that the originals of the affidavit are traced and placed on the record.

According to the respondents, the membership of 82 individuals have been verified. The RCS, however, states that this verification process ipso facto cannot result in regularization/formal orders of allotment given that certain documents such as an affidavit by the concerned members with respect to his or her not owning any other property, as well as the furnishing of an appropriate indemnity bond are yet to be fulfilled.

In view of these developments, the RCS is directed to issue a formal order in line with the verification process, and also coordinate with the DDA appropriately and ensure that such of the members who fulfil the two requirements, in terms of its affidavit, are included and



appropriate regularization is made by the DDA in accordance with law and its policies. The order as indicated earlier will be made within two weeks. The matter shall thereafter be processed by the DDA and appropriate orders of regularization shall be made in accordance with law.”

12. Mr. Gulati, Id. Counsel for the Petitioners submits that pursuant to the order dated 1st February, 2016, allotment of flats in favour of 100 members has already been made. The Petitioners herein are two of the members who have yet not been allotted the flats. It is further submitted that the RCS ought not to have any objection to the prayer that has been sought by the Petitioners.

13. On behalf of the RCS, Ms. Shagun Sabharwal and Ms. Avni Singh, Id. Counsels have appeared and they have confirmed the position that the Petitioners’ names are in the list which has been verified by the RCS. The further stand of the RCS is that repeated requests were made to the Society to submit the documents, however, there was no response from the Society. Hence, the allotment of flats was delayed and was not made in favour of the Petitioners.

14. Heard. From the background facts as set out above it is clear that the names of the Petitioners is duly verified by the RCS. There may only be some procedural verification or documentation that may be pending. Neither the RCS nor the Society doubt the veracity of the Petitioners’ claims. Considering the fact that the names of the Petitioners have already been verified by the RCS, the following directions are issued:

- (i) The Petitioners shall appear before the Assistant Registrar, office of RCS on **27th April, 2026 at 11:30 AM** along with all the requisite documents;



- (ii) One of the office bearers of the Society, i.e., President/Secretary along with the records of the Society, shall also remain present on the said date;
- (iii) The verification process shall be undertaken by the RCS and after verification, if any further documents are required, the same shall also be submitted by the Petitioners;
- (iv) The Petitioners shall also clear the outstanding dues of the Society, if any. Upon such clearance, the Society shall issue the No Objection Certificates to the Petitioners and submit the same to the office of the RCS;
- (v) After verification of the documents by 31st May, 2026, the office of RCS office shall send recommendation to the DDA for allotment of flats and for execution of the documents of title in favour of the Petitioners. If any amounts are liable to be paid by the Petitioners, the same shall also be deposited, as per the demand raised by the DDA.
- (vi) The entire process shall be completed by the RCS by 31st May, 2026 and by the DDA by 31st July, 2026.
15. Accordingly, both the petitions are disposed of in the above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MARCH 20, 2026/dk/sm