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

Date of Decision: 23rd April, 2026

Uploaded on: 24th April, 2026

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W.P.(C) 2038/2025

SUSHIL KUMARI

.....Petitioner

Through: Mr. D.B. Ranga, Adv.
versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. Vivek B. Saharya & Mr. Nishant,
Adv. for DDA.
Mr. Abhinav Sharma, Adv. for the
Respondent No. 2/RCS
Mr. Dhiranjan Malvey, Adv. for R-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner-Ms. Sushil Kumari has filed the present petition under Article 226 of the Constitution of India, *inter alia*, seeking allotment of a flat in her favour.
3. According to the Petitioner, she is a member of the East End Apartments Co-operative Group Housing Societies Ltd., Mayur Vihar-I-Extension, Delhi (hereinafter, '*Society*'). The Petitioner was allotted membership no. 1132 *w.e.f* 19th December, 1980. Initially, the Petitioner was to be allotted a Category 'A' flat, however, the same was later downgraded to a Category 'B' flat.
4. An arbitration case bearing No.363/JR-II/GH/96-97 was filed by the



Petitioner wherein she has challenged the said down-gradation. The same was decided *vide* award dated 8th May, 2001 and it was directed that the Petitioner shall be allotted Category 'A' flat. The findings of the Id. Arbitrator are set out below:

“I have heard the counsels for both the parties and have also gone through the records available in the file and after perusal of the records, it is a fact that the Claimant (Decree Holder) had opted for allotment of category-‘A’ flat. It is also an admitted fact that the Administrator vide his letter dated 02.07.1995 informed the Claimant that her category had been lower down on account of failure of making payment towards Category-‘A’ flat. In my opinion the letter informing the Claimant dated 02.07.1995 is totally against the provisions of law. Time and again, the Registrar, Co-operative Societies has issued Directive under Rules 77 that category of flat cannot be lower down without the consent of the Concerned member in writing. The society was well within right to take necessary action as per provisions prescribed under the Delhi Co-operative Societies Rules, 1973 in case the claimant had failed to make payments in addition to charge the interest on the delayed payment, but the society was not competent to relegate the Claimant.

In view of the above discussion, the Award is made in favour of the Claimant and against the respondent society. The Claimant is entitled for allotment of a flat for Category-A. Since the Registrar Cooperative Societies vide his order dated 21.05.1987 has reserved one flat of category-A for Claimant, the society is directed to hand-over the possession of the same after making the payments due towards her. The Claimant is also entitled for Rs. 5,000.00 towards Arbitration Fee deposited by the Claimant along with a cost of Rs. 1,000.00.



The award is made on this 10th day of July, 1998 under my hand and the seal of this Court.”

5. The said arbitration proceedings, thereafter, culminated in ***W.P.(C) 212/2016*** titled ***‘Sushil Kumari v. The Registrar Cooperative Societies & Ors.’*** wherein *vide* order dated 12th January, 2016 it was directed as under:

“After some hearing, the learned counsel for the petitioner sought liberty to withdraw the present writ petition. It is stated that the petitioner’s right to be considered for allotment of a category ‘B’ flat may be reserved.

In view of the submission, the writ petition along with the pending applications is dismissed as withdrawn.

It is up to the Co-operative Society to consider its policies and applicable regulations & byelaws and having regard to the seniority position, availability of the flat and other relevant parameters, consider petitioner’s requests in accordance the law.”

6. Thus, as on date, the Petitioner is willing to take a Category ‘B’ flat and is not pressing for relief on Category ‘A’ flat.

7. The position presently is that the Petitioner has still not been allotted the Category ‘B’ flat. Hence, the prayer is for allotment of flat in favour of the Petitioner. Notice was issued in this petition on 25th March, 2025 and the affidavits of the Respondents have come on record.

8. Firstly, the stand of the Delhi Development Authority (hereinafter, ‘DDA’) is that no recommendation has been received from the Registrar Cooperative Societies (hereinafter, ‘RCS’) and hence, the DDA is unable to allot the flat.

9. Insofar as the Society is concerned, the Society has no objection in the



Category 'B' flat being allotted to the Petitioner. The stand of the Society is set out in its reply affidavit which is set out below:

"1. That the Petitioner has filed a Writ Petition No. WP (C)-2038/2025 seeking allotment of a flat in Category B in the East End Apartments, a housing society in the Mayur Vihar-1(Extn.), Delhi-110096 (herein after to be referred to as the Society).

2. That Respondent No. 3 has already taken action to facilitate allotment of a

Category B flat to the Petitioner. It has informed the Respondent No. 2 vide letter dated 28.08.2022 that two category B flats were lying vacant in the Society and out of these two, one is required to be allotted to the Petitioner. This letter forms the part of Annexure A3 (Colly) of the present Writ Petition and is available at page 123 of the same.

3. That Respondent No. 3 sent another letter on 20.09.2024 to Respondent No. 2 by way of reminder and requested to consider and decide the case of allotment of flat to the Petitioner at the earliest. It was also mentioned in the letter that all the required documents in this regard had already been submitted to Respondent No.2 vide letter dated 28.08.2024. Letter dated 20.09.2024 is annexed with this Reply as Annexure.

4. That in view of the preceding paras, Respondent Number 3 has no objection to allotment of a vacant Category B flat in the Society to the Petitioner and has rather supported the claim of the Petitioner in this regard."

10. As can be seen from the reply filed by the Society, a flat is required to be allotted to the Petitioner. There are no violations by the Petitioner.

11. The RCS has filed an affidavit dated 17th October, 2025 in which certain documents have been called from the Society. The relevant portions of the affidavit filed by the RCS is set out below:



“That the contents of para 24 are partly a matter of record. It is most respectfully submitted that this office, vide letter no. F.47/ARH/524A-GH/Sec-II/RCS/2020/204 dated 24.02.2020, sought clarification regarding clearance of membership of Ms. Sushil Kumari (Membership No. 1132) in East End Apartment CGHS Ltd. Further, the Society, vide its letter dated 28.08.2022, submitted some documents in respect of the said membership. The matter has been taken up and found that there are deficiencies in this matter and accordingly the society vide this office letter dated 08.10.2025 has been informed to submit proper details/documents with respect to such deficiencies (Annexure 1). The same will be further examined and taken up for consideration/approval of the competent Authority.”

12. Ld. Counsel for the Petitioner, at this stage, submits that certain documents were sought by the RCS on 17th February, 2026, when a personal visit was made by the Petitioner. The document which was to be submitted by the Petitioner was a verification certificate which has again been submitted by the Petitioner to the RCS.

13. Under these circumstances, since none of the parties have any objection and do not dispute the validity of the membership of the Petitioner and her claim for allotment, it is directed that the RCS shall process the case of the Petitioner and send a recommendation to the DDA for allotment of the flat to the Petitioner by 30th May, 2026.

14. The DDA upon receiving the said recommendation shall allot the flat in favour of the Petitioner by 31st July 2026.

15. Thereafter, if the Petitioner wishes to seek conversion of the property from leasehold to freehold, she is free to apply for the same after payment of



usual charges. The same shall also be done expeditiously by the DDA.

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

17. The Petitioner is permitted to approach the Court if there is any delay by the authorities.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

APRIL 23, 2026
dj/ck