



\$~12

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

Date of decision: 25th September, 2026

Uploaded on: 28th September, 2026

CNR No. DLHC010463452026

+ **W.P.(C) 14255/2026 & CM APPL. 66706/2026**

LALIT KAPOOR

.....Petitioner

Through: Mr. V. K. Gulati and Mr. Hemant
Gulati, Advocates.

versus

REGISTRAR OF COOPERATIVE SOCIETIES & ANR.

.....Respondents

Through: Mr. Dhruv Rohatgi, Panel Counsel
GNCTD with Ms. Chandrika
Sachdeva, Mr. Dhruv Kumar,
Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 66706/2026 (for exemption)

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

W.P.(C) 14255/2026

3. The present petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the impugned order dated 2nd August, 2024 passed by the Assistant Registrar, (**Section -VII /H**),



Registrar of Cooperative Societies (*hereinafter* 'RCS').

4. The grievance of the Petitioner is that, despite all the documents being in favour of the Petitioner, and the Petitioner being in possession of Flat No.A-105 (*hereinafter*, 'the flat') in the Shiv Vihar Cooperative Group Housing Society Limited (*hereinafter*, 'the Society'), since 1998, his membership has not been approved by RCS.

5. A perusal of the impugned order would show that the same was passed almost two and half years ago, and the present writ petition is grossly delayed.

6. Moreover, the impugned order also notes that the Society had not properly obtained approval for the original members, *i.e.*, in the Petitioner's case, that of Mrs. Raj Rani. The reasoning given by the RCS in respect of the original members is set out below:

"[...]However, Sh. Lalit Kappor produced a copy of registered General Power of Attorney and sell-purchase agreement executed on 27.10.1998 through which he claimed to have received ownership rights of the flat no. A-105 from Smt. Raj Rani.

Subsequently, however, the discrepancies observed during scrutiny of documents of the members appearing for verification of documents including Sh. Lalit Kapoor were conveyed to the Administrator of the society vide this office letter dated 24.05.2023, in response to which, vide email dated 20.07.2023, the Administrator apprised that the members inducted in respect of membership numbers starting from 180 to 215 against the vacancies arising due to resignation/termination and due to sale of the flat by the then Management Committee were not approved by the Office of the RCS since the procedure mentioned under Rule 19(2) of Delhi Cooperative Societies Rules 2007 were not followed Similarly, in case of transfer of



share to legal heir/nominee, the procedure mentioned under Rule 29 and 30 of Delhi Cooperative Societies Rules 2007 were not followed. Further, as per available records, the name of Smt. Raj Rani was neither verified by the office of Registrar Cooperative Societies nor forwarded to DDA for allotment any flat to her in the said society i.e. Shiv Vihar CGHS Ltd.

xxx xxx xxx

In view of above mentioned legal position allotment of flat no. A-105 of Shiv Vihar CGHS Ltd. to Smt. Raj Rani is ab-initio illegal and any subsequent purchase of the said flat through G.P.A, as is the claim of Sh. Lalit Kapoor is plainly illegal. Besides, as per the provisions of Section 91 of DCS Act 2003 a member of a housing society who has sold his plot or flat on the power of attorney or agreement for sale or by sale deed, shall cease to be a member of that society from the date of the sale of plot or flat: Provided that the purchaser having registered power of attorney or registered agreement for sale or registered sale deed, as the case may be, in respect of such plot or flat, may apply for membership by paying transfer fee of five hundred rupees and share money and admission fee as per the provisions of the bye-laws of the society and the committee shall grant membership to the applicant within thirty days after the submission of his application. In case of refusal by the committee, the applicant may appeal to the Registrar within thirty days and the decision of the Registrar shall be final.

Hence, the provisions of Section 91 of the DCS Act 2003 are not applicable in the present case as said flat no. A-105 was never duly allotted to Smt. Raj Rani herself.”

7. In terms thereof, the RCS has observed that the provisions of Section 91 of the Delhi Co-operative Societies Act, 2003 (*hereinafter, DCS Act, 2003*)



are not applicable as the flat was not allotted to the predecessors of the Petitioners therein. Accordingly, the transfer of membership was rejected.

8. Ld. Counsel for the Petitioner submits the Petitioner is a senior citizen and is 68 years old. He had also filed an earlier writ petition being **W.P.(C) 7477/2022** titled '**Lalit Kapoor v. RCS.**', wherein *vide* order dated 19th November, 2024 the petition was dismissed as withdrawn and liberty was granted to file appropriate proceedings in accordance with law.

9. The Court has considered the matter. The moot point in this case appears to be that, at the relevant point in time, for whatever reasons, the Society's Management Committee had not got the membership Petitioner's predecessor *i.e.*, Mrs. Raj Rani regularized.

10. This constitutes a deficiency in the Petitioner's case, though there can be no doubt that the Petitioner himself has been in possession of the flat since 1998.

11. The Managing Committee, obviously, at that time, may not have complied with the proper procedure for getting the membership of the earlier member regularised in accordance with law.

12. The allegation is that the Managing Committee of the Society had filled up the membership from amongst the persons, who had resigned from the membership, without obtaining the approval of the RCS and without following the DCS Rules.

13. The question that arises today is whether the Petitioner can be blamed for the fault of the Managing Committee or the Society.

14. This issue ought to be considered in the Petitioner's case separately, and not as a part of the bunch of the matters, where different irregularities may have been found. The Petitioner deserves an opportunity to explain the



circumstances before the appropriate authority.

15. At this stage, Mr. Shashi Pratap Singh, Id. Counsel for the RCS, has placed reliance upon the decision of this Court in ***Suresh Kumar Rathee v. Registrar Co-operative Group Housing Societies, 2023 SCC OnLine Del 2923***, wherein this Court has taken the view that, where an order is not appealable, a revision petition would lie under Section 116 of the DCS Act.

16. Mr. Dhruv Rohatgi, Id. Counsel for the RCS submits that Mrs. Raj Rani was not part of the original draw of lots and this aspect would have to be examined.

17. In these circumstances, considering that the Petitioner is a senior citizen and has been pursuing approval of his membership for almost 28 years, the following directions are issued:

- i) The Petitioner shall file a revision petition under Section 116 of the DCS Act, 2003 before the Financial Commissioner, within a period of one month. The Financial Commissioner shall call upon the Society to produce and place its records for consideration and, after taking into account the stand of the Society and verifying the credentials of the Petitioner, shall take a decision on the Petitioner's membership, bearing in mind the practical difficulties that the Petitioner may face if the membership is not granted in his favour;
- ii) The Society shall duly cooperate in the proceedings before the Financial Commissioner;
- iii) The Administrator of the Society shall produce all records as may be called for by the Financial Commissioner;
- iv) The Financial Commissioner shall take a decision within a period of three months from the date of filing of the revision petition.



2026:DHC:8395-DB



18. All rights and contentions of parties are left open.
19. The delay in filing the revision shall stand condoned, if the revision petition is filed within one month from this order.
20. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 25, 2026/MR/SM