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

Date of decision: 25th September, 2026

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CNR No. DLHC010463472026

+ **W.P.(C) 14257/2026 & CM APPL. 66708/2026**

MADHU NAGPAL

.....Petitioner

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

versus

REGISTRAR OF COOPERATIVE SOCIETIES & ANR.

.....Respondents

Through: Mr. Shashi Pratap Singh, Ms.
Anamika Tyagi and Ms. Laqshyaa
Saluja, 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. 66708/2026 (for exemption)

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

W.P.(C) 14257/2026

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 8th January, 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-209 (*hereinafter, 'the flat'*) in the Shiv Vihar Cooperative Group Housing Society Limited (*hereinafter, 'the Society'*), since 2011, her 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 Ms. Dolly Arora @Ms. Dolly Sapra. The reasoning given by the RCS in respect of the original members is set out below:

"[...]However, the membership of the original members was neither verified by this office nor forwarded to DDA as they were illegally inducted 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 was not followed. Similarly, in case of transfer of share to legal/nominee, the procedure mentioned under Rule 29 and 30 of Delhi Cooperative Societies Rules 2007 was not adopted.

Further, the discrepancies observed during scrutiny 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 procedures mentioned under Rule 29 and 30 of Delhi Cooperative Societies Rules 2007 were not followed.

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Hence, the provisions of Section 91 of the DCS Act 2003 are not applicable in the present case as said flats were never allotted to the predecessors of the respective petitioners.

In the light of detailed facts and legal position mentioned above and in view of circumstances of this case, the requests made by Smt. Malini Anand, Smt.Kamal Kapahi, Smt. Kavita Sankhla, Smt. Shashi Rani Aluwalia, Sh. Anil Sachdeva, Sh. Ram Dhan Sharma, Smt. Bimla Goyal Smt. Kiran Wadhwa, Smt.Madhu Nagpal and Dr. Atul Bhardwaj for transfer of membership in their names cannot be acceded to and the same is hereby rejected.”

7. In terms thereof, the RCS had observed that 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 that since the Petitioner is a senior citizen, being 66 years of age, and had also filed an earlier writ petition being ***W.P.(C) 15806/2023*** titled '***Madhu Nagpal v. RCS***', wherein *vide* order dated 12th December, 2023 liberty was granted to her to approach this Court if the Administrator failed to take appropriate steps, hence, the Petitioner has approached this Court.
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.*, Ms. Dolly Arora alias Ms. Dolly Sapra regularized.

10. This constitutes a deficiency in the Petitioner's case, though there can be no doubt that the Petitioner herself has been in possession of the flat since 2011.

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. In these circumstances, considering that the Petitioner is a senior citizen and has been pursuing approval of his membership for almost 15 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.
17. All rights and contentions of parties are left open.
18. The delay in filing the revision shall stand condoned, if the revision petition is filed within one month from this order.
19. 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