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

Date of decision: 27th July, 2026

Uploaded on: 29th July, 2026

+ **W.P.(C) 10261/2026**

SURENDER KUMAR WADHWA

.....Petitioner

Through: Ms. Mahima Dang, Advocate.

versus

1.REGISTRAR DELHI COOPERATIVE SOCIETIES -GNCTD &
ORS.

.....Respondents

Through: Mr. Shashi Pratap Singh, Advocate for
R-1.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, assailing the order dated 29th April, 2026 (hereinafter, '*impugned order*') passed by the Registrar Cooperative Societies (hereinafter, '*RCS*').
3. The grievance of the Petitioner, who is a member of the Dera Ismail Khan Cooperative House Building Society Ltd. (hereinafter, '*Society*'), is that the appointment of the Administrator-cum-Returning Officer (hereinafter, '*RO*') under Section 35(5) of the Delhi Co-operative Societies Act, 2003 has been converted into an appointment under Section 37(1)(b) of the Delhi Co-operative Societies Act, 2003 with immediate effect for a period of 180 days.



4. Ld. Counsel for the Petitioner submits that the Managing Committee of this Society has not been elected for the last five and a half years and the RO is working as per his own whims and fancies. It is her submission that under Section 37 of the Delhi Co-operative Societies Act, 2003, a proper mechanism has been stipulated, in which the Managing Committee can be superseded, but the same has not been followed.

5. Mr. Singh, Id. Counsel for the RCS, on the other hand, submits that the Petitioner has not brought to the knowledge of this Court the orders dated 9th February, 2026 and 30th April, 2026 passed in ***W.P. (C) 11548/2024 titled 'Gopi Chand Bhatia and Ors. v. Registrar of Delhi Cooperative Societies & Ors.'*** and other connected matters. It is the further submission of Mr. Singh, Id. Counsel that the conversion of the RO under Section 37(1)(b) of the Delhi Co-operative Societies Act, 2003 was necessitated in order to give effect to the orders passed in the said matter.

6. Heard Id. Counsel for the parties.

7. In respect to the Society in question, several writ petitions have been filed before this Court and in order dated 9th February 2026, this Court has considered the broad issues that are plaguing this Society and had passed certain directions which are as under:-

“9. Broadly, the following issues are to be considered by the Court:

(i) **Availability of land with the Society:** Extent of land available with the Society i.e., occupied and vacant land ;

(ii) **Membership of 'left-out' members:** There are certain so-called 'left-out' members of the Society. There are varying numbers of 'left-out' members which are canvassed before the Court. The maximum 'left-out' members are stated to be 120 in number. The manner in which the 'left-out' members have to be heard and their



claim to the membership of the Society has to be considered by the Court.

(iii) **Opportunity to file objections before RCS:** Opportunity has to be provided for the 'left-out' members to file their objections/submissions before the Registrar of Co-operative Societies (hereinafter, 'RCS') and the RCS would have to decide the same.

(iv) **Eligible Members:** In respect of those members, who are found eligible, the manner of allotment of plot has to be decided.

(v) **Land with the Trust:** It is stated that a certain portion of land of the Society which was allotted for a school, i.e., approximately 7 acres is stated to be in the unauthorised occupation of a certain Baba, who is occupying the land on behalf of a trust called Swami Amar Dev Educational Trust (hereinafter, 'the trust'), which was created in 1986.

10. In so far as issue no. (i) and (v) are concerned, the Administrator appointed by the RCS, in coordination with two other officials of the RCS and at least two officials of the Delhi Development Authority (hereinafter, 'DDA'), shall inspect the entire land available with the Society and submit a report indicating the extent of land occupied by the members, the portion occupied by the trust and the capacity under which such occupation is held. The said report shall be filed by the Administrator.

11. In so far as issue no. (ii), (iii) (iv) are concerned, there is a Local Commissioner's Report of 1983 (hereinafter, 'the 1983 LC Report') which has been filed in W.P(C) 1777/1983. The same is also annexed in W.P(C)14528/2023. A perusal of the 1983 LC report shows that two local Commissioners were appointed by the Court to prepare the membership list. Insofar as the 1983 LC report is concerned, the following directions are issued:

(i) The members who have been validly held to be members in the 1983 LC report, need not be re-examined by the RCS.



(ii) Insofar as the other members who are not part of the list are concerned, they shall appear before the RCS. The Administrator shall also appear along with all the requisite documents before the RCS. Any erstwhile member of the Managing Committee of the Society, who may be aware of the facts are also permitted to appear before the RCS.

(iii) The RCS shall review the list and also examine persons who are staking claim as members. This shall include all the members in respect of whom various judgements have been passed by this Court, including the judgement in **Panchshila Co-operative House Building Society v. Govt. of NCT Delhi 2009 SCC Online Del 2919**.

(iv) Ms. Reetu Mongia, Id. Counsel, whose father is stated to have been engaged on behalf of the 'left-out' members previously, is permitted to appear before the RCS and handover any records and make submissions before the RCS.

(v) The complainants shall also be permitted to be heard by the RCS.

12. It is made clear that, insofar as the 'left-out' members are concerned, the 1983 LC report shall be taken as the basis for examination by the RCS. The complete list of 120 'left-out' members and their exact status after verification shall be placed before the Court by the RCS.

13. Insofar as the Administrator is concerned, the following directions are issued:

(i) All the erstwhile members of the Managing Committee of the Society, or any other members including 'left-out' members, who have any relevant records, shall furnish the same to the Administrator.

(ii) The concerned official of the RCS shall ensure that certain space is allocated to the Administrator for an office and that an electricity connection, along with other basic facilities, is provided thereto. The Administrator shall make efforts to collect all the relevant records from the members as also previous office bearers of the Managing Committee and also assist the RCS in the



process of deciding the membership issues.

(iii) Any member of the erstwhile Managing Committee of the Society, who is in possession of the records and fails to cooperate with the Administrator shall be liable to face stringent action by this Court.

(iv) The Delhi Development Authority shall cooperate with the Administrator and file a proper sketch before this Court, depicting the entire land of the Society, as also various areas which are occupied by the School or by the Trust.

(v) The Trust i.e., Respondent no.7, if it wishes to appear, is permitted to file an affidavit and appear before this Court.”

8. After giving the above directions, the Court has also bunched various writ petitions raising common issues together and gave directions to the RO to give hearings to various members of the Society as there are several left out-members who have various grievances. In addition, the Court had also directed that any member who is in occupation of the plot shall deposit a sum of Rs.10,000/- in the bank account of the Society for enabling the functioning of the Society. The said directions are also set out below:-

“14. In W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026, the challenge is in respect of the letter dated 15th September, 2023 issued by the concerned Administrator-cum-Returning Officer and order dated 2nd December, 2025 issued by the RCS whereby membership of the Petitioners has been cancelled.

15. Petitioners in W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026 are permitted to file their objections, in respect of impugned letter and impugned order and place their requisite documents and other claims for membership before the RCS. The RCS shall decide the objections of these members, in accordance with law.

16. Additionally, if the RCS is in possession of any



documents relevant to the present writ petitions, including files pertaining to any member available in the office of the RCS, the same shall be made open for inspection to the Petitioners in **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026**. Copies thereof, if required, shall be supplied by the office of the RCS, in accordance with law.

17. Since, Petitioners **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026** would be part of the list of 120 'left-out' members of the Society, separate writ petitions are not being entertained. **W.P.(C) 11548/2024** shall be considered as the main writ petition, which shall decide all the issues pertaining to the membership, the plot and land of the Society.

18. The Petitioners in **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026** and any other members/ left-out members are permitted to carry out the aforesaid inspection activity on 16th and 17th February, 2026 in the RCS office at 11:00 AM. Thereafter, the hearings relating to membership issues shall be held on 26th and 27th February, 2026 before the RCS.

19. In order to run the office of the Society, each member who is in occupation of the plot in the Society's land shall deposit a sum of Rs. 10,000/- in the Bank account of the Society. The bank account details of the Society are as under:

- **Account No. - 42470100000118**
- **Bank and Branch: Bank of Baroda, Gujralwala Town, Delhi - 110009**

20. The aforesaid bank account shall be operated only by the Administrator and no one else. The amounts deposited shall be used for daily expenses, maintenance of Society etc., Proper accounts shall be maintained by the Administrator."

9. These are detailed directions which have been given in order to comprehensively resolve the issues which are plaguing the Society. The present case has been filed by one member and it is unclear as to the actual



grievance or the prejudice which has been caused to the said member.

10. In the opinion of this Court, if the powers of the RO have been extended by the RCS in order to comply with the orders of this Court, no fault can be found in this case. Accordingly, the impugned order does not warrant any interference.

11. The petition is accordingly dismissed. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

JULY 27, 2026
MR/CK