



\$~41 to 43 & 53

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

Date of decision: 28th January, 2026

Uploaded on: 2nd February, 2026

+ **W.P.(C) 10532/2021&CM APPL. 18595/2022, CM APPL. 32535/2022, CM APPL. 36129/2024, CM APPL. 64839/2024, CM APPL. 64862/2024, CM APPL. 69047/2025**

THE NAVAL TECHNICAL OFFICERS CGHS LTD.....Petitioner

Through:

versus

THE REGISTRAR OF COOPERATIVE SOCIETIES

.....Respondent

Through:

~42

+ **W.P.(C) 10652/2022&CM APPL. 30896/2022**

MADAN GOPAL AGARWAL

.....Petitioner

Through:

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES & ANR.

.....Respondents

Through:

~43

+ **W.P.(C) 19260/2025&CM APPL. 5701/2026**

NAVAL TECHNICAL OFFICERS CO-OPERATIVE GROUP
HOUSING SOCIETY LIMITED

.....Petitioner

Through:

versus

REGISTRAR CO-OPERATIVE SOCIETY

.....Respondent

Through:

AND

53

+ **W.P.(C) 1147/2026&CM APPL. 5597/2026**

NAND KISHOR

.....Petitioner

Through:

versus

THE REGISTRAR OF COOPERATIVE SOCIETY & ANR.

.....Respondents



Through:

Appearances:

For Petitioners:

Mr. Vivek Kumar Tandon, Ms. Ritu Rajput, Ms. Laxmi Gupta, Advs. in Item.41

Mr Rahul Shukla Mr Ramandeep Singh Ms Bachita Baruah, Advs. in item 53.

For Respondents:

Mr. Vivek Kumar Tandon, Ms. Ritu Rajput, Ms. Laxmi Gupta, Advs. in item nos. 42, 43 & 53

Mr Rahul Shukla Mr Ramandeep Singh Ms Bachita Baruah, Advs. for Applicant.

Ms Urvi Mohan, Adv. in item nos. 41, 43 & 53.

Mr. Anubhav Gupta, Advocate, Panel Counsel (Civil) / GNCTD , Mr. Kartik Sharma, Advs. for RCS in item nos. 41 & 53

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. These are four writ petitions which relate to one Society *i.e.*, Naval Technical Officers Co-Operative Group Housing Society Limited (hereinafter "*the Society*"), and various issues arising in respect of its membership.
3. The litigation has a very long and chequered history. There are two factions of Petitioners before the Court laying claim to the Society's membership and by extension on the Society itself. One faction consists of officers who claim to have been working as 'Technical Officers' in the Naval Department of the Central Government and are stated to have been the



original members. Whereas, on the other hand, there are the present members of the Society. Accordingly, separate writs have been filed by the two factions on behalf of the Society – both portraying as the REAL Society.

4. The brief facts necessary for adjudication are that the Society itself was registered way back in December, 1983, with an address at Sena Bhawan, New Delhi. The actual total number of members who were there in the Society is in dispute. The Society itself, originally, claimed to have 277 members between 1983-97. It is stated that on 31st March, 1994, the Society was called upon by the Registrar of Cooperative Societies (hereinafter “RCS”) for verification of the final list of members. The relevant records were submitted by the Society and a letter was sent on 17th October, 1997 by the RCS attaching the list of 277 members for being transmitted to the Delhi Development Authority (hereinafter “DDA”). The said letter of the RCS to the DDA resulted in allotment of the subject land located at Plot No.3A, Sector-23, Dwarka Phase-I, to the Society on 3rd June, 1998.

5. In respect of the said allotment, a sum of approx. Rs. 2.56 crores was deposited by the Society. In support of the same, a challan from the Central Bank of India dated 15th July, 1998 has been placed on record. In the said challan the address of the Society is mentioned as 212 D, Sena Bhawan, New Delhi-110011. After this amount was deposited, the DDA *vide* its communication dated 8th November, 2002, reduced the membership strength of the Society from 277 to 238. This reduction has been alleged by the original members to have been done fraudulently and to their detriment.

6. It is stated that the original members having discovered the said alleged manipulation filed a writ petition being ***W.P.(C) 21912/2005*** titled ***Naval Technical Officer G/H So Vs. Registrar Of Society & Anr.*** The prayer in the



said writ petition was as under:

“a) Issue appropriate writ directions, orders directing the respondent No. 1 to decide the expulsion issue of the members of the petitioner society.

b) Direct the respondent to determined the rights of the members of the petitioner society and draw the allotment of the flats amongst the genuine members who are the subscribers to the memorandum.

c) Pass such other further orders as may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

7. During the relevant period, certain irregularities were also unearthed in the functioning of the RCS as also various other Housing Societies which led to the filing of ***W.P.(C) 10066/2004*** titled ***Yogi Raj Krishna Co-operative Housing Society Vs. DDA & Ors. 2008:DHC:2139-DB.***

8. The writ petition filed by the original members of the Society was tagged with the said ***Yogi Raj (supra)*** writ petition. Further to the directions passed in the said petitions, a case was registered by the CBI being ***FIR No. RC/DLI/2006/A/0064*** on 29th December, 2006. Chargesheet was also filed on 27th June, 2008 against certain individuals and concerned officials of the RCS.

9. In the members’ writ petition, the final order dated 27th August, 2008 was passed in the following terms:

“Vide orders passed in WP(C)No. 10066/2004 titled Yogi Raj Krishna Cooperative Group Housing Society Vs. DDA and Anr. we have given certain directions with regard to refund of the amount of Rs. 60,000/- out of the sum of Rs. 75,000/- deposited in the High Court by the petitioners in this case. Rs. 15,000/- were to be retained



for meeting the expenses of the Committee. Let a copy of the said judgment be placed on the record of this case. Mr. Anil Amrit, learned counsel on behalf of the Intervenor, submits that the Intervenor is in control of the records of the Society and they are the real members. The issue of members eligible for the draw of lots and their validity is to be gone into in terms of the directions passed in the case of Yogi Raj Krishna CGHS. This is common ground between the Intervenor as also the petitioners. The only question surviving is with regard to the deposit of Rs. 15,000/- to be made. The amount of Rs. 60,000/- may be refunded to the petitioner and the sum of Rs.15,000/- deposited by them would be without prejudice to the rights and contentions of either party.

The writ petition stands disposed of accordingly.”

10. The above order, in effect, followed the directions passed in ***Yogi Raj Krishna Co-operative Housing Society (supra)*** in respect of the Naval Society as well. In the judgment in ***Yogi Raj Krishna Co-operative Housing Society (supra)***, the Court had constituted a committee for verification of the members. The operative portion of the said judgment dated 25th August, 2008 is extracted below:

“11. Having heard learned counsel representing different viewpoints and considered the matter and the progress made so far, we are of the view that this gigantic task of verification needs to be performed by those, who are conversant with the requirements and Rules and can expeditiously deliver. We are conscious of the fact that it was on account of complicity of former staff and officers of Registrar of Cooperative Societies that the defunct and bogus societies were revived and passed on into the hands of builder mafia. Nevertheless, the same cannot be a ground not to utilize the available talent and expertise with the office of Registrar of Cooperative Societies and its staff for the verification



especially when the same is also part of their statutory responsibilities. We are of the view that the apprehensions and misgivings, if any, on this account, can be redressed by creation of a mechanism where the verification carried out by the Registrar of Cooperative Societies and the Rule Committee is reviewed and approved by an independent Committee.

We are, therefore, of the view that rather than entrusting the task of verification itself to the Committee constituted by us, it would be appropriate if the task is performed by the office of the Registrar, Cooperative Societies and the Rule 90 Committee and is reviewed by the Committee constituted by us. However, in view of the developments noted earlier, the Committee also requires to be re-constituted.

12. We accordingly re-constitute the Committee as under:

- 1. Justice R.C. Chopra (retired) - Chairman*
- 2. Mr.A.K. Malhotra, DIG, CBI - Member*
- 3. Mr.G.S. Meena, Addl. Secretary, Land and Building Deptt. - Member*

The Committee is hereinafter referred to as Justice Chopra's Committee.

13. The verification of membership of the 58 Societies excluding Ashadeep CGHS, i.e. 57 Societies, listed in Annexure I, shall be carried out by the office of the Registrar of Cooperative Societies and approved by the Rule 90 Committee within time frame as agreed to during the hearing. The broad modalities and procedure to be followed is outlined as under:

- (i) All the concerned Cooperative Societies shall furnish all the information/documents along with the lists of members in compliance of Schedule VII under the DCS Rules, 2007 to the office of Registrar*



within 15 days.

- (ii) The concerned Cooperative Societies shall publish a public notice in two leading daily newspapers of NCT of Delhi, one each in English and Hindi inviting objections on the proposal regarding clearance of membership for allotment of flats/plots by draw of lots as approved by Registrar of Cooperative Societies.*
- (iii) Cooperative societies thereafter shall submit the revised proposal, if any, within 30 days of publication of public notice along with objections received and comments thereon to the Registrar's office. The Registrar shall dispose the objections after hearing the parties/objectors, as necessary, within 30 days.*
- (iv) The scrutiny of the documents furnished shall thereafter be done by the Office of the Registrar of Cooperative Societies and deficiency memo, if any, will be issued to the society for removal of deficiencies within a period of 15 days.*
- (v) After receipt of complete documents from the societies, the documents will be scrutinized by the Office of the Registrar within 15 days.*
- (vi) At the time of verification, a duly authorized person of the concerned society shall be present along with requisite documents in original as per clause 23 of Schedule VII.*
- (vii) After examining the office records of the proposal submitted by the Cooperative Society and documents, the matter shall be referred by the Office of Registrar to the committee constituted under Rule 90 of DCS Rules along with its recommendations also taking into account inputs by CBI for approval.*
- (viii) On receipt of recommendations, the Rule 90 Committee shall examine and review recommendations made by Registrar of Cooperative Societies and take a decision thereon*



preferably within 15 days of receipt.

- (ix) *Report of the Registrar of Cooperative Societies together with the Rule 90 Committee's approval, shall be placed before the Justice Chopra's Committee constituted by the Court comprising Justice R.C. Chopra (retired), Mr.A.K. Malhotra, DIG, CBI and Mr.G.S. Meena, Addl. Secretary, Land and Building Deptt. for consideration, review and approval. Justice Chopra's Committee shall consider the reports and recommendations made and in its discretion, may approve, modify, reject or remit the reports or any part thereof or any recommendation as made. It would also be open for the Justice Chopra's Committee to hear in its discretion any of the objectors or aggrieved persons and seek any further information/document or clarification that it may require and take a decision thereon with regard to the grievance of such a person, his entitlement, eligibility or otherwise.*

14. Justice Chopra's Committee shall submit its report regarding the approval, rejection, modification, remission, rejection of the report of the Registrar and the Rules Committee within two months of having received the report and recommendations from the Registrar and Rules Committee. The Court upon receipt of the report of the Justice Chopra's Committee together with the recommendations from the Registrar of Cooperative Societies and the report of Rule 90 Committee shall pass suitable orders and direct the Registrar of Cooperative Societies to forward the list, as approved, to DDA for draw of lots. "

11. As can be seen from a conjoint reading of the judgement passed in ***Yogi Raj Krishna Co-operative Housing Society (supra)*** and the order dated 27th August, 2008 passed in ***W.P.(C) 21912/2005***, the Justice Chopra Committee



was to submit a report after which orders were to be passed for forwarding the list to the DDA for draw of lots in the relevant Societies.

12. From the events which have transpired, thereafter the Court is informed that Justice Chopra had recused from the committee and thereafter another committee comprising of Mr. K.K. Mathur and Mr. Y.D. Bankata was constituted by the Delhi Government. The new Committee's terms of reference were as under:

"The terms of reference for the Committee are as follows :-

- 1. To suggest measures which could be taken for verification of membership in such Cooperative Group Housing Societies which have already held self draw of lots in violation of DCS Act and Rules.*
- 2. To suggest procedure for verification of membership in such Cooperative Group Housing Societies, original records of which have been misplaced by the society/RCS Office.*
- 3. To suggest measures for verification of membership in such Cooperative Group Housing Societies in which charge sheets alleging various illegalities/irregularities have been filed by the CBI in the competent court of law and are pending trial.*
- 4. To suggest measures to ensure that matters which led to CBI investigation do not recur.*
- 5. To suggest measures to strengthen the office of RCS so as to enable it to meet the expectation of the people.*
- 6. To examine the existing infrastructure in the office of RCS and to suggest measures to improve the same."*

13. The said Committee had considered the fact that there was a CBI investigation which was pending and chargesheets were being filed in various cases. While the said chargesheets were being filed and the CBI investigation was going on, the Committee considered that the office of the RCS as also the



various members of the several Societies were facing complications and difficulties. The report of the Committee records that delays have taken place in the allotment of apartments despite land having been allotted. Some parts of the Committee's report are relevant and are extracted below:

“In this background, and particularly in the light of various court proceedings, which are still going on, the office of the RCS has been facing many complications and controversies since the year 2005 and is indeed at a loss as to how to take further action towards forwarding the List of members to the DDA in regard to the societies which have been investigated by the CBI.

According to the officers of the organization of the RCS, the verification of the membership of the CBI investigated societies could not be undertaken in view of the fact that in the case of Yogiraj Krishna Cooperative Group Housing Society Ltd. and others Vs DDA and others, the High Court vide its order dated 25-08-2008 had directed the office of the Registrar, Cooperative Societies to keep in view the findings of the CBI while verifying the membership of the concerned societies. The chargesheets filed by the CBI against these societies point to serious and gross violations of the Delhi Cooperative Societies Act, 1972 and Rules, 1973 which, inter alia, . include the following:-

- i) The societies had been wrongly revived by the builders on the basis of forged and fake documents.*
- ii) The land was allotted to an entity, which was cooperative society only for the namesake. The funds were organized by the builders and not by the so-called members of the societies.*
- iii) The societies did not have Managing Committees, which were duly elected by the members. No election*



was held and no meeting of Managing Committee was held. The persons enrolled through this process could not be taken as members in accordance with the provisions of the Delhi Cooperative Societies Act and Rules. iv) The documents, including the membership register, proceedings register, among others, were forged and fabricated and the same could not be used for the purpose of verification of the members as was directed by the Court. In several societies, the documents had been destroyed by the Managing Committee to evade punitive action by the CBI.

In this state of affairs, inordinate delays have taken place in allotment of apartments to the present members of the societies. Many of these members had joined such societies at a later date for meeting their genuine need of a shelter in the city. For them, the delay has resulted in great hardship on account of the lack of a residential accommodation and has also caused great financial burden as many of them are reported to have taken bank loans, etc. for meeting financial requirements in this regard.

APPROACH

The assessment of this Committee is that we have to identify pragmatic solutions to the problems indicated above, which, while sorting out the difficulties of the genuine members of the concerned cooperative societies are in line with the various orders passed by the High Court and which can be worked out within the overall framework of the DCS Act and Rules.”

14. The Committee then considered various measures that were to be taken for verification and other aspects. The relevant recommendations of the Committee are as under:



Sr. No.	Finding	Relevant Recommendations
1.	To suggest measures which could be taken for verification of membership in such Cooperative Group Housing Societies which have already held self draw of lots in violation of DCS Act and Rules.	<p>While we were deliberating on this issue during the various meetings of our Committee, we learnt that the Government of NCT of Delhi has in principle taken a decision that the RCS should forward the list of even those societies to the DOA where there have been self draws of lots.</p> <p>We would suggest that for further processing of this matter, the Office of RCS, in particular, and the Govt. of NCT of Delhi, in general, need to keep the following factors in view:-</p> <p>(i) While the membership in even CBI investigated societies is regularized by the DOA, the individual , I members and other office bearers of the societies who have been named by the CBI in the chargesheets should not get the benefit of such regularization till the criminal cases pending against them are finally decided.</p> <p>(ii) Indemnity Bonds may be taken from each member as has been ordered by the High Court in various cases before any regularization.</p> <p>(iii) While members of societies, who ,have resorted to self draw, could be given the benefit of provisional regularization to ameliorate their long suffering, it would be prudent to impose a reasonable charge in money terms on them before any regularization , so that it acts as a deterrent in such cases for the future. [...]</p> <p>(iv) In regard to the CBI investigated societies, the special order under Section 127 of the DCS Act, 2003 needs to also lay down that till such time as the particular society gets a clean chit from the courts, neither the Society as a whole nor- its individual members would be allowed to sell/transfer the apartments to any new person/member.</p>
2.	To suggest procedure for verification of	[...]Our committee has been informed that in many Cooperative Group Housing Societies in question all the relevant records are not available. Although, there is no



	<p>membership in such Cooperative Group Housing Societies, original records of which have been misplaced by the society/RCS</p>	<p>doubt that for the office of the Registrar, Cooperative Societies to take further action in such cases smoothly the availability and reliability of the relevant records would have been a great help, nevertheless, in the present situation of absence of the relevant record some pragmatic solution to this problem has to be thought out. We feel that in all such cases at least three types of records could be obtained. Firstly, the member in question needs to produce some proof of his residence as required by law for enrolment in such societies. For this, many different types of evidence can be taken into account, such as Ration Card, Election ID card, electricity bill, bank account, passport, etc. Secondly, the audit reports tiled by societies with the RCS also indicate the list of members and the payments made by them. If such audit reports are conducted timely, they can be taken as satisfactory evidence for the entitlement of members in question and the payments made by them. Thirdly, the bank record of the payments made by the members of the society are a good corroborative evidence. The bank account record of individual members, of course, needs to match with the banking record of the concerned society.</p> <p>Indeed, as suggested above, the Office of the RCS could proceed further in such cases of non availability of the required records with the societies if some proof of residence and actual payment to the society through the banks is available for the relevant period.</p>
3.	<p>To suggest measures for verification of membership in such cooperative GHS in which charge sheets alleging various irregularities/illegalities have been filed by the CBI in the</p>	<p><u>3. To suggest measures for verification of membership in such cooperative GHS in which charge sheets alleging various irregularities/illegalities have been filed by the CBI in the competent court of law and are pending trial</u></p> <p>We presume that under this term of reference, we have to consider cases where the societies have the relevant records which need be maintained under the Act and Rules, but on which it is not possible to rely on account of the fact that these societies have been investigated by the CBI and there are many allegations of forgery and</p>



competent court of law and are pending trial	<p>manipulation, We, as a Committee, have consciously decided not to make any specific suggestions in this regard because we find that this matter has been agitated before the High Court in two cases, viz. Rajvihar Cooperative Group Housing Society Ltd. Vs. RCS and Jayabhawani Cooperative Group Housing Society Ltd. Vs. RCS. In the case of Rajvihar CGHS, the High Court has directed that the allotment shall be subject to the following conditions:</p> <p>(a) It would be provisional in nature at present.</p> <p>(b) All the members would file an affidavit of indemnity within two weeks by giving undertaking to the Registrar of Cooperative Societies to the effect that if promoter members come forward and stake claim for the allotment for these flats and obtain favourable order from the competent court of law, these members shall abide by those orders.</p>
--	--

15. This report was then placed before the Competent Authority *i.e.*, the then Hon'ble Lieutenant Governor (hereinafter "*Hon'ble LG*") who *vide* a file noting dated 20th September, 2011 passed the following direction:

"I have perused the file.

The notification to regularize the draw of lots of 26 societies and proposal for withdrawal of proceedings for supersession u/s 37 of the DCS Act are approved. The permission to invite other societies which might have conducted self draw before 2010 to give them opportunity for regularization is also given.

I do not favour debarment of office bearers u/s 77(2) of DCS Act since the draws were held with the consent of all members and the outcomes were accepted unanimously. Evidently, no irregularity other than procedural, was involved.

Regarding the imposition of charges in money terms on



the members, the recommendation of the Mathur Committee on this issue, as already approved, should be followed.”

16. Pursuant to the above order of the Competent Authority, the order dated 17th October, 2011 was issued in the following terms:

“ORDER

No. F. 47/86/RCS/Policy/2009/PF/- In exercise of the powers conferred by section 127 of Delhi Cooperative Societies Act, 2003 (Delhi Act No.3, of 2004), the Lt. Governor of the National Capital Territory of Delhi is pleased to regularize the self-draw conducted by the following 26 Cooperative Housing Societies from the operation of sub section (1) of section 77 of the said Act by giving one-time exemption, namely:-

- 1. Air India CGHS Ltd.*
- 2. Appu Enclave CGHS Ltd.*
- 3. Baroda House NRI CGHS Ltd.*
- 4. Batukji CGHS Ltd.*
- 5. Bharat Jagriti CGHS Ltd.*
- 6. Chitrakootdham CGHS Ltd,*
- 7. Crown CGHS Ltd.*
- 8. Delhi Apartment CGHS Ltd.*
- 9. IDC CGHS Ltd. (Subject to outcome of SLP NO.4802-03/2011)*
- 10. Karuna Vihar CGHS Ltd.*
- 11.Khattar CGHS Ltd.*
- 12.Mahajan Shree CGHS Ltd.*
- 13.Maharani Aventibar CGHS*
- 14.Mahavir CGHS Ltd.*
- 15.Manisha CGHS Ltd.*
- 16. Naval Technical Officers CGHS Ltd.*
- 17.Pragti Sheel Bharva CGHS Ltd.*
- 18.S.B. Youth CGHS Ltd*
- 19.Sanchar Vihar CGHS Ltd.*
- 20.Sant Sunder Dassji CGHS Ltd.*



21. Sapna Ghar CGHS Ltd.
22. Saptaparni CGHS Ltd.
23. Sarve Satyam CGHS Ltd.
24. Satyam CGHS Ltd.
25. Shree New Anamika CGHS Ltd
26. Shri Radha Krishna CGHS Ltd.

(1) However, the members and other office bearers of the CBI investigated societies who have been charge sheeted by CBI shall not get the benefit of such regularization and their names shall not be sent to DDA till the criminal cases pending against them are finally decided as in the case of other CBI investigated societies.

(2) The allotment would be provisional in nature and indemnity bond on non-judicial stamp paper of Rs. 100/- has to be submitted by members as well as President/ Secretary of the society. Separate affidavit has to be filed by the members & Secretary of the society to the effect that they had no objection to the manner of conduct & outcome of the self draw.

(3) The regularization of self draw shall be subject to payment of penalty by each member who have carried out self draw without the approval of RCS as follows: -

1. Owners of 02 bedrooms houses - Rs.15000/-
2. Owners of 03 bedrooms houses - Rs.20000/-
3. Owners of 04 bedrooms houses - Rs.25000/-

(4) - One time exemption in r/o self draw society is restricted only up to the provision of section 77(1) of DCS Act, 2003. ”

17. Thus, the initial reduction of members from 277 to 238 and the irregularities, etc. are now the subject matter of the CBI investigation where a chargesheet has been filed.

18. In the meantime, however, pursuant to the order dated 17th October,



2011 passed by the GNCTD, the then present Managing Committee of the Society had collected the membership amounts, the respective apartments have been built and possession has also been handed over to the concerned members.

19. In the meantime, the elections for the Managing Committee of the Society were also conducted and an Administrator was appointed. The said Administrator made various allegations against some of the individuals who had come in control of the Society. A writ petition was also filed being ***W.P.(C) 6433/2011*** titled ***The Naval Technical Officers Co-operative Group Housing Society (CGHS) vs. The Registrar of Cooperative Societies (RCS) New Delhi & Anr.*** The allegations in this writ petition were against one Mr. Anil Motwani and certain other members. The relevant portions of the writ are captured herein below:

“That the petitioner-herein had filed an application dated 28.07.2011 to the R-1 thereby bringing to the notice of the RCS Office various illegal actions by a section / group of members. The said section / group of members is headed by Sh. M.G. Motwani who keeps on instigating the other members against the CGHS. The names of the members against whom action was sought are:

1. Sh. Anil Motwani (M-527)
2. Sh. M.G. Agarwal (M-578)
3. Sh. Sanjay Gandhi (M-658)
4. Sh. I.S.S.H. Prashad (M-606)
5. Sh. Jasmeet Singh (M-565)
6. Smt. Anita Vaishnev (M-564)
7. Maj. V.S. Sankhla & Brig. (retd.) V.S Sankhla (M-600)
8. Smt. Monika Nigan & Sh. Manoj Nigam (M-666)
9. Smt. Rajinder Kaur & Sh. Avtar Singh (M-613)



10. Smt. Suman Godar & Sh. Gautam Godara (M-546).

11. Sh. Vikram Singh Negi & Smt. Kavita Negi (M-670)

12. Sh. R.K. Mehta (M-562)

19. Sh. Ashok Kumar Gupta (M-545)

13. *That the above-enumerated members have been indulging in the activities which are detrimental to the interest of the CGHS. On 10.01.2010 a group of persons under the Chairmanship of Sh. Anil Kumar Motwani conducted illegal draw of lots. Sh. M.G.Motwani was the coordinator. The Ex-Managing Committee had expelled the said persons u/s 86(1)(c) of the DCS Act, 2008 r/w Rule 99 of the DCS Rules 2007 but the same was not approved due to the procedural lapses.*

14. *That the section / group headed by Sh. M.G. Motwani had also been associated illegal activities when forcible possessions were taken of the flats without any draw of lots. On 20.02.2011 in the morning at about 9:30 A.M. some 60-70 people entered the society premises and forcibly snatched the flat keys from Guddu, the store-keeper. They broke open the locks of some of the flat and put their own locks. They also deployed their own security. A bogus allotment was signed by Sh. I.S.S.H, Prashad (M-606), Sh. Jasmeet Singh (M566), Smt. Anita Vaishnav (M-564). A copy of the "bogus" allotment letter is annexed herewith and marked as Annexure:P-2"*

20. In this writ petition filed by the Administrator, vide order dated 2nd September, 2011, the Court directed as under:

“xxx xxx xxx

*It is agreed that the petition can be disposed of with the direction **that no member of the petitioner Society shall be permitted to take possession of the flats in***



pursuance of any self-draw and in case such possession has been taken as identified by the Administrator they shall be sealed. The possession shall be handed over only after a draw of lots is carried out by the DDA after the names are forwarded through the Registrar, Cooperative Societies in accordance with law. No meetings as are alleged to be taking place shall be permitted in the premises of the Society. Respondent No.Z/SHO of the local police station to give all assistance for due compliance of the order.

Learned counsel for respondent No.1 further assures that a decision will be taken on the application filed by the Administrator under Sections: 118 (7) and 77(2) of the Delhi Cooperative Societies Act, 2003 on 20.7.2011 within a period of one (1) month from today.

The writ petition and the application accordingly stand disposed of.”

21. As per the above order, the possession of the flats in the Society was not to be given to any of the members upon conducting self-draw of lots. The DDA was to carry out a fresh draw of lots, and no meetings were to be held in the Society. Unfortunately, however, the said order never came to be given effect to, as subsequent to this order, the order of the Competent Authority dated 17th October, 2011 extracted above came to be passed, whereby one time regularisation was directed of the self-draw conducted by various societies including the subject Society. Thus, the order dated 2nd September, 2011 has just remained unimplemented.

22. The stand of Mr. Tandon, Id. Counsel appearing for the Society now is that the Society has a total of 238 flats and all have been occupied. The stand of Mr. Agnihotri, Id. Counsel for the original members is that in the entire process the wrongdoers have benefited and the original members have not



been able to enjoy the membership of the Society, who have been left completely high and dry without any flats.

23. The stand of the RCS is that the order dated 2nd September, 2011 passed in ***W.P.(C) 6433/2011*** has merged with the final order given by the GNCTD dated 17th October, 2011 in which the self-draw was regularized following the KK Mathur report.

24. Having heard the Id. Counsels for the parties and having perused the record, the ultimate situation that now emerges is that the verification of individual members has not been carried out till date.

25. At this stage, it is submitted by Mr. Tandon, Id. Counsel, that the RCS has carried out the verification in terms of the order dated 5th May, 2015 in ***W.P.(C) 519/2012*** titled ***Manohar Lal & Anr. V. The Registrar, Co-op. Group Housing Society and Ors.*** In the said writ petition, the following order had been passed:

“45. We consequently find substance in the submission of learned counsel for the respondents that in issuance of the notification dated 17th October, 2011, the Government has taken a careful view after application of mind to the facts which emerged by deciding to exempt the 26 societies from the applicability of Section 77 of the Act and regularising the centre of place. We see that the respondents have issued the notification carefully inasmuch as the notification has excluded members and other office bearers of the CBI investigating societies who have been charge-sheeted by the CBI shall not get the benefit of such regularisation and their names shall not be sent to the DDA till criminal cases pending against them are finally decided. The regularisation is subject to payment of penalties for the self draw which have been prescribed. The exemption is only one time and



restricted to the application of the provisions of Section 77(i) of the Delhi Cooperative Societies Act, 2003.

46. It is also explicit that the one time exemption is restricted only to the provisions of Section 77(i) of the Delhi Cooperative Societies Act, 2003. Inherent therein is the statutory requirement that all other provisions of the statute which had to be satisfied. The Registrar of Cooperative Societies is therefore required to conduct the necessary verification for eligibility in accordance with Schedule (vii) of the Delhi Cooperative Societies Rules, 2007. Apart from this requirement, the indemnity bonds have to be submitted by the members as well as the president/secretary of the society. An affidavit has to be filed by the members as well as the secretary of the respondent no. 4 to the effect that they have no objection to the manner of conduct and outcome of the self-draw.”

26. Pursuant to this order, the verification is alleged to have been carried out by the RCS. The issue relating to membership had got quite complicated as the share certificates which have been issued *qua* the Society are to the tune of 672 against the strength of 238 members. The peculiarities of this Society have also been recorded therein which are as under:

*“9. The complexity/ peculiarity of this society are:
(i) that the count of total membership as per serial number of the share certificates has gone upto 672 against a freeze strength of 238 members.
(ii) Though the self draw was stated to be conducted on 10.01.2010 and the same was regularized by notification dated 17 10.2011 in respect of 26 societies, the result sheet of the draw is not traceable on record or with the society. However, no controversy among the members has come to notice regaining the occupancy of the flats.
(iii) The original records of the society for the purpose of verification as per Schedule Vil are not available with*



the society which in turn has relied on information available in the record of RCS..”

27. In the verification process, the allegation is that the original members were never called for a hearing. The list of joint members, etc. have all been set out in the noting which has been placed on record through the RCS and ultimately, the finding of the RCS is that 211 members have been cleared for membership and regularization of self-draw to the DDA. This exercise which has been conducted by the RCS on 26th October, 2018 and thereafter approved in 2019 is not under challenge by any of the parties. The original members claim that they were not aware of this exercise being conducted by the RCS and in fact one writ petition *i.e.*, ***W.P.(C) 10532/2021*** has been filed seeking approval for the remaining members as well.

28. In view of the above, the ultimate conclusion is that:

- i) In respect of the irregularities with the Societies, the CBI has already filed its chargesheet and the trial has to now proceed therein;
- ii) Insofar as verification of members is concerned, the RCS has conducted its verification *vide* a detailed noting and report and has forwarded the names of 211 members for allotment to the DDA.
- iii) Both the Society and the original members are aggrieved by this noting. The grievance of the Society that the remaining members ought to be regularised. The grievance of the original members is that they were not given a hearing and they have been deprived of membership – despite being the original members.

29. In terms of the Section 112 of the Delhi Cooperative Societies Act, 2003, all the aggrieved persons are free to file an appeal against this recommendation of the RCS dated 26th October, 2018. However, at this stage,



the prayer for verification of membership in these writ petitions would therefore no longer sustain. All the aggrieved parties would have to avail of their remedies as per law in respect of the recommendation by the RCS. The said appellate remedy can be availed of, both by the original members and by the excluded members.

30. Accordingly, the parties are free to avail of their appellate remedy challenging the verification process which has been undertaken by the RCS in terms of the noting as annexed as Annexure P-6 in ***W.P.(C) 10532/2021*** during the period 2018-19. If such an appeal is filed by 30th April, 2026 before the Delhi Cooperative Tribunal (*hereinafter 'DCT'*), the said appeal shall be adjudicated in accordance with law. The Society as also the original members are permitted to file such appeals.

31. In the counter affidavit of the RCS, insofar as 211 members are concerned, there are stated to be certain discrepancies. The said discrepancies may be pointed out to the DCT in the appeal which may be filed.

32. The DCT shall now take a comprehensive decision in respect of the entire membership of this Society in accordance with law and decide the same by 31st December, 2026. Anything observed herein, shall not bind the final decision of the RCS, who is free to examine all the relevant documents and then finalise the membership of the Society.



33. All these writ petitions are disposed of in the above terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 28, 2026

Rahul/msh