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

Date of decision: 29th September, 2026.

Uploaded on: 1st October, 2026.

CNR No. DLHC010470462026

+ **W.P.(C) 14444/2026, CM APPL. 67738/2026, CM APPL. 67739/2026 & CM APPL. 67740/2026**

MRS RITA BENJAMIN

.....Petitioner

Through: Mr. Sudarsh Menon, Mr. Aditya
Sharma and Md. Ziauddin Ahmad,
Advocates

versus

THE REGISTRAR OF COOPERATIVE SOCIETIES AND ORS.

.....Respondents

Through: Mr. Siddharth Panda with Mr Anil
Pandey, Advocates for RCS

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner – Mrs. Rita Benjamin has filed the present petition under Article 226 of the Constitution of India, *inter alia*, seeking an early hearing in her complaint dated 10th September, 2026 which has been filed before the Registrar of Cooperative Societies (*hereinafter* ‘RCS’) under Section 70(2) of the Delhi Co-operative Societies Act, 2003 (*hereinafter* ‘DCSA’).
3. The said complaint was filed by the Petitioner aggrieved by the decision taken by the Arur Co-operative Group Housing Society Ltd. (*hereinafter* ‘Society’) *vide* notice dated 19th September, 2026.



4. *Vide* the said notice the Society had imposed penalties upon the Petitioner as the Society alleges that she has unlawfully parked her car in the parking slot A-10 (A & B). Secondly, her membership has been kept in abeyance as long as the unauthorised car slot is vacated and all the dues are cleared by the Petitioner.

5. The relevant portion of the said communication from the Society to the Petitioner is extracted below:

• To

Smt. Rita Benjamin,
A-704, Riverview Apartments (Arur CGHS),
Mayur Vihar Phase-I Extension,
Delhi-110091

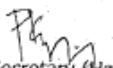
Subject: Final Notice for your vacating of unauthorised Car Parking and illegal encroachment of stilt covered parking slot No. A-10 (A & B) and your membership application kept in abeyance.

Dear Madam,

Please note that a Special General Body meeting (SGBM) was held on 13th September, 2026 in Society office, A-605, Riverview Apartment (Arur CGHS), Mayur Vihar, Ph-I-Extn., Delhi-110091. As per decision of SGBM, you are hereby given final notice to completely vacate the unauthorisedly occupied/encroached parking space within 5 (five) days from the date of serving this notice, failing which the society shall proceed with such further action as deemed fit/necessary. Such actions may, inter alia, include approaching the Registrar of Co-operative Societies (RCS Delhi) for obtaining appropriate directions/orders for removal of the unauthorised occupation/encroachment, recovery of society's dues and expenses etc.

Further as per decision of SGBM, you have to pay a penal charge of Rs. 3000/- (Rupees Three Thousand only) per Car amounting to a total of Rs. 6000/- (Rupees Six Thousand only) per month in respect of the unlawful parking, unauthorised occupation and encroachment of the aforesaid parking slot, with effect from 1st February, 2025 together with interest of 18% per annum (p.a.).

Further as per decision of SGBM, your membership is kept in abeyance at this stage so long as this unauthorised car parking slot A-10 (A & B) is vacated and all dues as above is cleared by you.


Secretary (Hon.)
For and on behalf of Arur CGHS Ltd.





6. Recently, this Court in ***Jyoti CGHS Ltd. vs. RCS & Others, W.P.(C) 13982/2026*** vide order dated 22nd September, 2026 has observed as under:-

*“14. In the opinion of this Court, after seeing the record, the observations of the Financial Commissioner appear to be fully justified. A Society is primarily constituted for the sake of its Members. It ought to resolve issues with its members in a cordial and amicable manner, rather than entangling the member in multiple litigations repeatedly. **The membership of any Society is a valuable right which a member has and a dispute on maintenance charges which is already pending before the DCT could not have held up the membership of the Respondent No. 2.**”*

7. Thus, there is a clear doubt as to whether the Society has the power to keep the membership in abeyance only on the grounds of unauthorised car parking or penal charges which have been imposed on the Petitioner.

8. Be that as it may, the complaint has already been filed before the RCS. Let the RCS hear both the Petitioner and the managing committee of the Society. The RCS shall first make an attempt to resolve the disputes between the parties and if the same is not amicably resolved, thereafter a reference shall be made to arbitration under Section 70/71 of DCSA if so required.

9. Accordingly, the Petitioner and the Society shall appear before the RCS on **12th October, 2026 at 2:30pm.**

10. In the meantime, insofar as the membership is concerned, the Petitioner shall not be deprived of her membership benefits.

11. If the Petitioner or the Society wish to seek any further directions, they have liberty to do so.

12. The petition is disposed of in the above terms. All pending applications,



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if any, are also disposed of.

13. Copy of this order be served by the Petitioner upon the Secretary, Riverview Apartment, Society for necessary information and compliance.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 29, 2026

'rs'/as

Signature Not Verified

Signed By: KAMLA
RAWAT
Signing
Date: 01.10.2026 18:01

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