



\$~10

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

Date of decision: 30th January, 2026

Uploaded on: 2nd February, 2026

+ **W.P.(C) 11380/2021&CM APPL. 35047/2021, CM APPL. 47703/2022, CM APPL. 4668/2023**

SACHIN GUPTA & ORS.

.....Petitioners

Through: Mr. Harshit Jain, alongwith Dr. S.K. Yadav, Mr. Arjun Drall and Ms. Priyanka Yadav, Advs.

versus

REGISTRAR COOPERATIVE SOCIETY AND ORS....Respondents

Through: Mr. Dhruv Rohagti & Ms. Chandrika Sachdev, Advs. for GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioners' case is that they were members of the Sri Durga Cooperative Group Housing Society (*hereinafter 'the Society'*) and had paid substantial amounts towards the land and subsequent construction thereof. This payment of the amount, however, was disputed by the Society.
3. According to the Petitioners, several members of the Society, including the Petitioners had been expelled from the membership of the Society. There were a total of 35 members who were expelled by the Registrar of Cooperative Societies (*hereinafter, 'RCS'*) vide order dated 8th May, 2015 in the following terms:

“Further, the expulsion of the following members is hereby approved.

1. Sachin Gupta M.S. No 329, 2. Ramesh Chand M.S.



No. 330; 3. Shipra Gupta M.S. No 332, 4. Shilpi Gupta M.S. No 336, 5. Nirmal Gupta M.S. No 344, 6. Praveen Gupta M.S. No 512, 7. Mohit Gupta M.S. No 474; 8. Abhinav Gupta M.S. No 475; 9. O.N. Sharma M.S. No 476, 10. Atul Mittal M.S. No 479, 11. Ram Kumar M.S. No 480, 12. Sushil Kr Arora: M.S. No.481, 13. Sweta Gupta M.S. No 483, 14. Ram Bahal M.S. No 484, 15. S.Rajesh.M.S. No 485, 16. N. Rajesh M.S. No 486, 17. Ram Gopal M.S. No 488, 18. Lal Babu Poddar M.S. No 490, 19. Nanku Ram M.S. No 489, 20. Manoj Gupta M.S. No 501, 21. Appar Khurana M.S. No 499, 22. Babita Gupta M.S. No 503, 23.Sharda Gupta M.S.No 502, 24. Abha M.S. No 507, 25. K.C. Jain M.S. No 504, 26. Anil Kumar M.S. No 509, 27. Ramesh Sharma M.S. No 506, 28. Rahul Khetarpal M.S. No 511, 29. Virender Kumar M.S. No 508, 30. Digvijay M.S. No 510, 31. M.K. Sharma M.S. 487, 32. Karan Singh M.S No.505.”

4. The said 35 members had appealed before the Delhi Cooperative Tribunal (*hereinafter* ‘DCT’), challenging the said expulsion. Before the DCT, there were some issues as to whether the said appeal shall be considered as one filed in representative capacity, or not.

5. Thereafter, the DCT, *vide* its order dated 22nd July, 2015 treated the same as an appeal by one expelled member, namely, Mr. O.N. Sharma and passed an interim order on 22nd July, 2015 in his favour in the following terms:

“xxx xxx xxx
They have been given a patient hearing. They submit that the society after passing of the impugned order, has started process of induction of new members. In case the society succeeds in enrolling new members, the purpose of filing this appeal would be frustrated.

The submissions have been considered. Sh. Gupta submits that let this appeal be treated to have been filed by Sh. O.N. Shama, AI, only.



For a moment, this appeal is treated to have been filed only by one expelled member ie. A-1, then in that case, there is justification to stay operation of the impugned order. Accordingly, the operation of the impugned order is stayed till the next date of hearing.”

6. Subsequent to the passing of the said order dated 22nd July, 2015, an application was moved by the other Appellants, who had also been expelled. With respect to the said application, DCT took the position that the appeal filed by the expelled members against the order of RCS dated 8th May, 2015 was entertained by the DCT as a common appeal on behalf of all the members, the interim order dated 22nd July, 2015 was not extended to all the other members. The operative portion of the said order dated 12th June, 2018, passed by the DCT is set out below:

“10. From the above it is clear that where there are more plaintiffs or more defendants than one in a suit, and the decree appealed from proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal from the whole decree, and thereupon the Appellate Court may reverse or vary the decree in favour of all the plaintiffs or defendants, as the case may be.

11. There is no bar in filing a common appeal against common order/award under DCS Act 2003. All the appellants are aggrieved and have filed joint appeal against the order dt. 8.5.15 passed by Id. Additional Registrar-I: The appellate court may reverse or vary the decree/ order or award in favour of all the plaintiffs or defendants as the case may be. The case of each appellant shall be considered on the grounds of appeal raised on behalf of each member considering the facts of his own case subject to the condition that in case R2 has enrolled new member in lieu of the expelled members (appellants herein except appellant No.1).



none of the appellants from A-2 to A-35 shall have a right to insist for restoration of membership against a new member who has been enrolled by the society and has paid the outstanding demand raised by the society during the period from 22.7.15 till date and that way no prejudice shall be caused to the respondent No.2, the society. Accordingly, the application is allowed. However, R2 shall be at liberty to carry out consequential amendments in its reply as notice of the appeal was given to them by treating the appeal only on behalf of appellant No.1. R2 may file amended reply, if any with respect to other appellants on or before 3.8.2018.”

7. Pursuant to the above stated order of the DCT dated 12th June, 2018, a review petition was also preferred seeking review of the said order. In the review petition, the DCT then came to the conclusion that there is no bar in filing a common appeal against a common award.

8. However, the interim order dated 22nd July, 2015 was made applicable only to one person *i.e.*, Mr. O.N. Sharma. Relevant paragraphs of the said order dated 18th March, 2021, passed by the DCT in the review petition are set out below:

*“12. In the impugned order dt. 12.06.2018, our ld. predecessor bench has observed that there is no bar to filing a common appeal against a common award which is the correct position of the law and is also not controverted on behalf of petitioner. Even in the order dt. 22.07.2015, the Id. bench had not doubted this proposition, but had only expressed a view that it would be better for the appellants themselves if they filed separate appeals. There is therefore no error in this part of the order dt. 12.06.2018 also:
13. The petitioners have also argued that the reliance of the ld. predecessor bench on order 41 Rule 4 CPC was*



misplaced. This in our view is not based on the correct reading of the impugned order dt. 12.06.2018. The order merely says that even if only one person files an appeal, the court in any case has powers to reverse or modify the impugned order as against all the affected parties and therefore, no prejudice will be caused to the respondents if all the affected parties themselves join in filing the appeal. However, since the interim order on 22.07.2015 applied to only one person, the court has specifically put a rider that allotment of flats to those expelled members against whom new members have already been enrolled will not be considered. We do not find any error or mistake in this part of the order also.

14. It may be noted that even if two views are possible on a particular set of facts, interfering with the view taken earlier is not within the scope of a review.

15. Accordingly, we hold that the review petition is devoid of merit and is hereby disposed off.”

9. It is these two orders dated 12th June, 2018 and 18th March, 2021 passed by the DCT which are subject matter of the present writ petition.

10. When the present writ petition was initially filed, this Court, *vide* order dated 8th November, 2021, granted *status quo* in the following terms:

“Proceedings have been conducted through video conferencing.

Issue notice.

Mr. Anuj Aggarwal, learned counsel accepts notice on behalf of Respondent No. 1.

Mr. Rajiv Vig, learned counsel accepts notice on behalf of Respondent No. 2.

Learned counsels seek time to file counter affidavits.

Time as prayed for is granted.

Let counter affidavits be filed, before the next date of hearing.

List on 11.01.2022.

Meanwhile, status-quo with regard to enrolment of new members/allotment of flats shall be maintained by



Respondent No.1 m the Respondent No.2 Society, till the next date of hearing.”

11. The *status quo* granted *vide* the said order dated 8th November, 2021 has continued to operate over the last many years, during the pendency of this petition.
12. The appeals filed by the other expelled members, before the DCT, continue to remain pending.
13. The stand of the Society is that the members have been rightly expelled and draw of lots have also been held during the interregnum. It is also submitted that there are serious allegations against some of the office bearers who had illegally inducted persons from their own family as Members of the Society, contrary to Rules.
14. It is further submitted on behalf of the Society that none of the five Petitioners in the present petition are valid members, inasmuch as the members of the same family have been inducted into the membership, contrary to the prescribed position of law. It is also argued that there is no proof of payment of the membership fee paid by the Petitioners to the Society.
15. Be that as it may, this Court is of the view that the appeals filed before the DCT by the expelled members, including the Petitioners, deserves to be adjudicated on merits.
16. In view of the interim order dated 8th November, 2021 which was passed by this Court in the present petition, Id. Counsel for the Society submits that in respect of the memberships of the five Petitioners, *status quo* has been maintained.
17. In the facts and circumstances of this case, therefore, this Court is of



the opinion that the interest of justice would be served if the DCT is directed to expedite the hearing in the appeals which is pending before it, as the Court is informed that due to the pendency of this writ petition, it is possible that the DCT has not taken up the appeals for hearing.

18. It is accordingly directed that the DCT shall hear the appeals of the Petitioners, expeditiously and in any case, decide the same by 15th May, 2026.

19. The Petitioners shall appear before the DCT on the date fixed *i.e.*, 9th February, 2026.

20. In the meantime, the interim order dated 8th November, 2021 shall continue till the first date of hearing before the DCT.

21. The DCT is free to either modify or take a decision on whether the interim order dated 8th November, 2021 passed by this Court needs to continue or whether any other interim order deserves to be passed by the DCT.

22. It is clarified that this order shall only apply only *qua* the Petitioners, namely, Mr. Sachin Gupta, Mr. Atul Mittal, Mr. Appar Khurana, Mr. Sushil Kumar Arora and Ms. Abha.

23. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 30, 2026

Rahul/ss