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

Date of decision: 30th September, 2026.

Uploaded on: 5th October, 2026.

CNR No. DLHC010429872026

+ **W.P.(C) 13272/2026**

**THE SHIVALIK CO OPERATIVE GROUP HOUSING SOCIETY
LTD** Petitioner

Through: **Mr. Vipul Kumar Sharma, Adv. (M:
7838486818)**

versus

**THE REGISTRAR COOPERATIVE SOCIETIES
& ANR.** Respondent

Through: **Mr. Shashi Prataph Singh, Adv. for
RCS.
Mr. Arun Birbal, Adv. for DDA. (M:
8178731510)**

**CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT**

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Shivalik Co-operative Group Housing Society Ltd. (*hereinafter 'the Society'*) seeking regularization of the self-draw/membership of 50 members of the Petitioner-Society.
3. It is the case of the Society that 38 members already stand verified by



the Registrar of Cooperative Societies (*hereinafter* 'RCS') and the RCS ought to regularize the self-draw.

4. This court vide its order dated 10th September, 2026 had noted that similar matters have been considered by this court in the past wherein self-draw issues have been referred to the RCS. Therein, the decision of Hon'ble LG dated 20th September, 2011 was also considered by this Court in various decisions passed for regularisation of self-draws. Further it was noted that RCS had issued a Circular bearing No. *F.No.47/RCS/Policy/155/P.F./2011/107-113* dated 4th June, 2026 (*hereinafter* 'Circular'), for recognition of flats which were allotted through self-draw.

5. On the last date Mr Singh, Id. Counsel for the RCS submitted that he would like to seek instructions in the present matter.

6. Today, the RCS has placed on record a short affidavit which has been deposed by Mr. Sanjay Jha, the Deputy Registrar of Cooperative Societies. As per the said affidavit, the status report of the 50 members of the Society is as under:

"4. That the Petitioner, The Shivalik Co-operative Group Housing Society Ltd., has a freeze strength of 50 members, with 50 dwelling units. The flats were allotted to the members through a self-draw conducted by the Society in the year 1986, in violation of Rule 77 of the then Delhi Co-operative Societies Rules, 1973, and without the involvement of the Office of the Registrar of Co-operative Societies ("RCS") or the Delhi Development Authority. The membership of the members of the Society has not yet been finally verified by this office so as to enable further processing of the regularisation of their memberships and of the flats allotted to them.



5. That the proposal for regularisation of the membership of the 50 members was mooted by the office of the RCS in October 2018. **As per the records, there are 20 cases of transfer of membership on account of the death of the original members.** To process the matter further, the Society was asked to submit the documents relating to these transfers of membership as required under the Delhi Co-operative Societies Act, 2003 and the Delhi Co-operative Societies Rules, 2007. To this effect, this office issued a letter dated 30.10.2019 calling for the details of the Managing Committee resolutions by which the memberships were transferred, together with the documents relied upon for approval of such transfers, duly certified by the President/Secretary of the Society. In response, the Society, vide its letter dated 14.11.2019, sent the details of 25 cases (20 old cases and 5 additional cases up to that date).

6. That on perusal of these transfer documents, it was observed that the requisite documents, namely the transfer affidavit (Form 'C'), share certificate, nomination forms, succession certificate and NOC from the legal heirs, had not been sent by the Society along with its letter dated 14.11.2019.

7. That in order to process the cases of regularisation of membership, this office addressed letters dated 23.12.2019, 09.03.2020 and 29.10.2021 to the President/Secretary of the Society, calling for the documents mentioned in paragraph 6 above. The Society's letter dated 06.01.2020, sent in response to the letter dated 23.12.2019, did not furnish the requisite information, as recorded in the reminder dated 09.03.2020. No such documents have been provided by the Society to the office of the RCS till date.

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9. That as regards the reliance placed by the Petitioner on the noting of the then Assistant Registrar that 38 out



*of the 50 members were found eligible, it is submitted that the proposal was only mooted by the then Assistant Registrar and did not attain finality. When the file was put up, the then Registrar of Co-operative Societies, by his noting at para 354 of page 277/N, observed **that the facts, particularly in the transfer cases, would first have to be verified, and directed that the details of the 20 transfer cases be first sought so as to ascertain whether the transfers reported were in consonance with the provisions of the DCS Act and Rules.** Accordingly, a letter seeking the details of the 20 transfer cases from the President/Secretary of the Society was put up for approval on 30.09.2019 (para 355, page 278/N). In furtherance of this direction, the details of the transfer cases were called for vide this office's letter dated 30.10.2019, and the requisite documents were thereafter sought vide letters dated 23.12.2019, 09.03.2020 and 29.10.2021, as stated above. The noting of the then Assistant Registrar was thus only a proposal, and no decision on it has been taken by the Competent Authority, since the Society has not furnished the documents called for.”*

7. In addition, Mr. Singh, Id. Counsel for the RCS points out the note written by the RCS at the relevant point in time i.e., 20th September, 2019 which reads as under:



17/19
ORCH) 18.7.2019
Addl. Secy. 19/9/19
19/AR/Sec-7
17/9/19
95/DR-2
17/9/19
1343/Addl. Secy.
19/09/19
1558/RCS
20/9/19

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DA SO (Section-V)

RCS (354) While the issues raised by the ~~entire~~ pi. RCS at para 349 are pertinent and needs to be resolved, we would certainly be required to verify the facts particularly in transfer cases. As such, ARCS may first seek the detail of 20 transfer cases noted at para 349 at P-272/A to ascertain whether the transfers reported are in consonance with the provisions of DCS Act/Rules and submit the file in the meanwhile. Addl. RCS

17/19
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8. It is the submission that in terms of the Circular dated 4th June, 2026, the RCS is willing to examine all the documents and also permit the regularisation of the self-draw of the members of the Petitioner-Society.

9. Mr. Arun Birbal, Id. Counsel for Delhi Development Authority (*hereinafter 'DDA'*) submits that this is not a case of self-draw but a case where the individual has made the allotments of membership.

10. The moot question is whether the founding members of the society are entitled to have their membership regularised.

11. The membership documents of all these members have been examined repeatedly by the RCS as is evident from the notings which have been placed on record dated 19th July, 2017 and the subsequent noting dated 17th January, 2018. Paragraph 22 of the said subsequent noting dated 17th January, 2018 reads:



22. The society has submitted the list of 50 members alongwith individual affidavit of each. The proposal has been scrutinized and verified on the basis of Membership Register and it has been found that the following 38 cases are fit for regularization.

Sl.	Name	Membership	M.C. Resolution	Flat
no.		no.		No.
1.	Sh. Rakesh Sharma	1	9.11.1971	51
2.	Sh. J.L. Mehta	2	9.11.1971	29
3.	Sh. H.R. Attari	3	9.11.1971	44
4.	Sh. Pawan Kumar	7	9.11.1971	30
5.	Sh. Rattana Devi	9	9.11.1971	42
6.	Sh. K.N. Sharma	14	9.11.1971	1
7.	Sh. Rekha	32	9.11.1971	18
8.	Sh. Vinod Kumar	37	3.11.1973	15
9.	Sh. Sudhir Bhardwaj	38	3.11.1973	47
10.	Sh. R.P. Uppal	45	3.11.1973	33
11.	Sh. Moti Lal	46	3.11.1973	48
12.	Sh. Sudesh Joshi	49	3.11.1973	9
13.	Sh. V.K. Chauhan	50	9.2.1973	43
14.	Sh. Usha Mehta	60	9.2.1973	6
15.	Sh. Mahesh Sharma	62	9.2.1973	35
16.	Sh. B.R. Bhardwaj	69	6.9.1974	5
17.	Sh. R.P. Mehta	71	23.11.1975	27
18.	Sarla Rani	75	12.5.1976	21
19.	Champa Dogra	78	12.5.1976	3
20.	Sh. Satya wati Kaushal	79	19.6.1977	46
21.	Sh. Chander Kanta	80	19.6.1977	45
22.	Sh. S.P. Prashar	86	11.9.1977	38
23.	Sh. Jitender Kumar	87	10.9.1977	11
24.	Sh Vikas Bhardwaj	89	18.12.1977	49
25.	Sh. V.P. Bansal	91	10.9.1977	10



26.	Sh. D.R. Dogra	92	10.9.1977	8
27.	Sh. Vikram Rajput	98	18.12.1977	34
28.	Sh. H.R. Sharda	99	11.5.1978	14
29.	Sh. S.K. Sharma	102	18.12.1977	39
30.	Sh. Om Raj Sharma	103	11.4.1979	37
31.	Sh. Ichchaya Dogra	106	24.2.1980	23
32.	Sh. S.C. Sharma	108	05.11.1980	4
33.	Sh. R.P. Sharma	110	04.12.1981	2
34.	Sh. G.D. Sharma	113	12.4.1982	25
35.	Sh. Suman Lata	114	24.5.1983	13
36.	Sh. M.S. Chaudhary	115	24.5.1983	7
37.	Smt. S.K. Dogra	116	31.3.1984	16
38.	Dr. Darshan Kumar	117	05.7.1983	24

305 In view of the above facts, if approved, the proposal for regularization of self draw in respect above mentioned members may be placed before Secy.-cum-RCS for approval please.

12. In respect of this noting the matter proceeded further for regularisation of self-draw in respect of 38 members out of the total 50 members of the Society.

13. The notings also record that the 12 members of the Society were kept in abeyance as 'Detained Cases' solely on the ground that the flats stood held by GPA-holders and that there was no clarity in that regard in the DCS Act and Rules or in any circulars . Thus, the 12 members have not been included in the list of members who were deemed fit for regularisation and the file was again resubmitted.

14. The RCS then considered the entire matter as is clear from further



notings dated 20th September, 2019 which has already been discussed above.

15. As can be seen from the above noting of the RCS dated 20th September, 2019 the only issue that appears to have been raised is in respect of the 20 persons to whom the membership deserves to be transferred due to the death of the original members and consequential transfer in favour of legal heirs whose names are as under:

4. Transfer Cases:- There are 20 transfer cases in the society.

S.No.	MS. No.	Name of the member	Trfd to	Reason
1	78	B.K.Dogra	Champa Dogra	Due to death
2	60	S.C.Mehta	Usha Mehta	Due to death
3	49	R.K.Joshi	Sudesh Joshi	Due to death
4	87	Harman Dass	Jitender Kumar	Due to death
5	114	O.P.Sharma	Swarnlata	Due to death
6	37	Rattan Chand	Vinod Kumar	Due to death
7	32	R.C.Mehta	Rekha	Due to death
8	75	Ashok Kumar	Sarla Rani	Due to death
9	106	Y.L.Dogra	Ichhaya Dogra	Due to death
10	7	Gajpal Sharma	Pawan Kumar	Due to death
11	126	Ravi Chandra Gupta	Sarika Garg	Due to death
12	98	Bhag Singh	Vikram Rajput	Due to death
13	62	Mulk Raj Sharma	Mahesh Sharma	Due to death
14	9	Janak Ram	Rattana devi	Due to death
15	80	K.L.Sharma	Chander Kanta	Due to death
16	79	R.G.Kaushal	Satya wati Kaushal	Due to death
17	38	R.L.Bhardwaj	Sudhir Bhardwaj	Due to death
18	46	S.S.kashyap	Moti Lal	Due to death
19	89	S.L.Bhardwaj	Vikas Bhardwaj	Due to death
20	1	N.R.Sharma	Rakesh Sharma	Due to death

16. In case of the remaining 30 cases there appears to be no impediment. In fact even in today's affidavit which has been filed by Mr. Sanjay Jha, this is the position of the RCS. The relevant extract from the affidavit filed by the RCS is set out below:

"5. That the proposal for regularisation of the



membership of the 50 members was mooted by the office of the RCS in October 2018. As per the records, there are 20 cases of transfer of membership on account of the death of the original members. To process the matter further, the Society was asked to submit the documents related to these transfers of membership as required under the Delhi Cooperative Act Societies Act, 2003 and the Delhi Cooperative Act Societies Rules, 2007 to this effect the office issued a letter dated 30.10.2019 calling for the details of the Managing Committee resolutions by which the memberships were transferred, together with the documents relied upon for approval of such transfers, duly certified by the President/Secretary of the Society. In response, the Society, vide its letter dated 14.11.2019, sent the details of 25 cases (20 old cases and 5 additional cases upto that date).”

17. Considering the fact that the membership of these persons have been pending for almost 40 years, this Court is of the opinion that the members cannot be made to wait in eternity as was opined by one of the Assistant Registrar of Cooperative Societies in the noting sheet.

18. The submission of Mr. Singh, Id. Counsel is that the society ought to now apply in terms of the circular dated 4th June, 2026.

19. In the opinion of this Court, the same may not be required as all the folders and the documents in respect of the members have already been submitted to the RCS. The society and the members cannot be made to run from pillar to post in this manner for several decades.

20. Since the RCS has already examined all the files and the only question remaining is in the case of the 20 members who have passed away and their consequential legal heirs in favour of whom the transferred membership of the Petitioner-Society needs to be verified, accordingly, the following



directions are issued:

- (i) In respect of the 30 members, let the draw of lots be regularised and the recommendation be made to the DDA for issuance of letters of allotment.
 - (ii) In the case of 20 members listed in the paragraph 10 above let the factum of death of the original members and the name of the legal heirs in whose name the membership needs to be regularised be verified by the RCS on **15th October, 2026 at 11:30 a.m.**
 - (iii) The Society shall submit the share certificates, the transfer affidavit, nomination forms, succession certificate and NOC from the legal heirs in respect of these 20 members to the RCS before the said date.
 - (iv) The members may also be permitted to appear before the RCS office on the said date.
 - (v) After verifying all the documents, if any further documentation is not required, the RCS office shall call for the same and thereafter confirm the membership by 30th November, 2026. The RCS shall then send a recommendation to the DDA for issuance of allotment letters, if so required.
21. All rights and remedies are left open. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 30, 2026/dj/as