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

+ **W.P.(C) 12989/2023 and CM APPL. 51217/2023**

ANURADHA

.....Petitioner

Through: Dr (Maj.) J.C. Vashista, Advocate.
versus

REGISTRAR COOPERATIVE SOCIETIES
& ANR.

.....Respondents

Through: Mr Sahil Tagotra, Advocate for R-2
with Mr Sujay Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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11.02.2025

1. The petitioner has filed the present petition, *inter alia*, praying as under:

- a) To issue necessary writ/directions to declare impugned order dated 03.05.2023 issued by the Respondent No 2 is as null and void;
- b) To issue necessary writ/ directions to the respondent No 1 & 2 to transfer membership in the name of the petitioner immediately;
- c) To issue necessary writ / direction to the respondent No 2 to remit accounts of the money received on account of "entry fees" in General Body Meeting of members of the Society and refund the amount to concerned members with an interest @ 9% as provided in the Bye-Laws of the Society;
- d) To issue necessary writ/ direction to respondent No. 1 to initiate necessary action against concerned erring members of managing committee of respondent no 2 as mandated;



- e) To issue necessary writ/directions to respondent No 1 & 2 to reimburse rent and interest @ Rs. 65,000/- per month paid by petitioner as she could not occupy flat purchased for the purpose;
- f) To issue necessary directions to respondent No. 1 & 2 to pay a sum of Rs. 2,00,000/- from their pocket to the petitioner as compensation for damages, wherein the petitioner has suffered great mental agony, physical torture, harassment and humiliation at the behest of respondent No. 1& 2;”

2. The petitioner claims that she had purchased a residential flat being Flat No.C-53 in Sarve Sanjhi CGHS Ltd., Plot No.8, Sector-9, Dwarka, New Delhi-110075 (hereafter *the Subject Flat*) by a registered Sale Deed dated 14.07.2022. The petitioner claims that she had submitted the necessary documents to the Society and had sought to carry out necessary repairs and renovations of the Subject Flat, which was declined on account of non-payment “entry fee” of ₹1,00,000/-.

3. On 28.03.2023, the petitioner had applied for transfer of membership of a Cooperative Group Housing Society described as “Sarve Sanjhi CGHS Ltd. Plot No. 8, Sector 9, Dwarka, New Delhi- 110077” (hereafter *the Society*) in the prescribed format along with relevant documents. However, it is the petitioner’s grievance that the membership of the Society was not transferred to her. The petitioner also alleges that the Society did not permit her to occupy the premises in question.

4. In the aforesaid context, the petitioner had also prayed that directions be issued to the respondents for reimbursement of rent and interest computed at ₹65,000/- per month as damages for unlawfully preventing the petitioner from occupying the Subject Flat. The petitioner also claims



damages quantified at ₹2,00,000/- for the mental agony allegedly suffered by the petitioner.

5. The petitioner's principal grievance regarding non-transfer of membership, has since been addressed. Admittedly, the petitioner has been inducted as a member of the Society and her grievance in this regard does not survive.

6. Insofar as the petitioner's claim that entry fee be refunded at the rate of 9% per annum is concerned, no such relief can be granted. Admittedly, the petitioner has not paid any entry fee and therefore, there is no question of refunding the same to the petitioner along with interest.

7. The learned counsel for the petitioner submits that the entry fee may have been charged from other members (which the petitioner cannot identify) and therefore, the orders may be passed for refund of the entry fee to those members. This is not a PIL and the petitioner has no personal interest in regard to any controversy regarding collection of entry fee from any other person.

8. The remaining prayers are in the nature of seeking damages. We do not consider that it would be apposite to award any damages in these proceedings under Article 226 of the Constitution of India.

9. We, however, clarify that the petitioner is not precluded from instituting appropriate proceedings for claiming damages, if otherwise, entitled in law.



10. No further orders are required to be passed in this petition. The petition is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 11, 2025

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Click here to check corrigendum, if any