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

+ **W.P.(C) 3692/2026**

BHARAT BHUSHAN ALLAHABADIPetitioner

Through: Ms. Aarushi Gupta, Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Sumit Batra, Advocate with Ms. Priyanka & Ms Urvi Mohan, Advocates for GNCTD/RCS (M: 7718992441).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **23.03.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondent No.2-Registrar Co-operative Societies (*hereinafter*, 'RCS') to decide the representation of the Petitioner dated 21st January, 2026.
3. The brief background of the present case is that, one Mr. Gobind Ram, who was a member of the Ekta Cooperative Group Housing Society (*hereinafter*, 'Society') had through General Power of Attorney, Special Power of Attorney and deed of Will transferred the flat, which was yet to be allotted to him, to one Smt. Kanta Devi, in the Society.
4. Mrs. Kanta Devi, through a General Power of Attorney and a Deed of Will dated 3rd June, 2000 gave all the rights of management, control, and supervision of the flat to the Respondent No. 4-Mr. Tarun Lekhi.
5. Pursuant thereto, the draw of lots took place on 22nd May, 2001 and Flat No. C-9 MIG, ground floor (*hereinafter*, 'the flat') was allotted to Mr.



Gobind Ram and possession letter was also issued on 16th June, 2002 in his favour.

6. Subsequently, the Petitioner was elected as Secretary of the Society on 25th August, 2011.

7. The Respondent No.4-Mr. Tarun Lekhi, who claimed to be the Power of Attorney holder of Mr. Gobind Ram, came to be allotted the flat on 12th November, 2013 and the conveyance deed was also issued in his favour.

8. The case of the Petitioner is that, at the time when the document was executed, Gobind Ram did not have any power to transfer the flat, hence the entire transaction of allotment of the flat to Respondent No.4-Mr. Tarun Lekhi is contrary to law.

9. The Petitioner had filed a **Writ Petition (C) 12593/2023** titled '**Bharat Bhushan Allahabadi v. Government of NCT of Delhi & Ors,**' in which, vide order dated 25th September, 2023, it was directed as under:-

"1. The challenge in this writ petition is to an order dated July 18, 2023, passed by the Registrar of Co-operative Societies ('RCS', in short) on an application made by the petitioner under Section 118(7) of the DCS Act, 2003. The learned counsel for the petitioner submits that the application was under Section 118 read with Section 121 of the DCS Act, 2003. Be that as it may, the RCS has in paragraph 10 concluded as under:

"10. In view of the submissions by the parties and after perusal of the case file, I am of the view that Sh. Govind Ram, executed GPA, SPA and deed of will in favour of Smt. Kanta Devi, W/o Lt. Sh. O.P. Gupta on 04.05.1998 before actual allotment of flat. However, as per submissions by the petitioner it is noted that the actual allotment of flat was made to Sh. Govind Ram on 22.5.2001 and thereafter the possession of the flat was given to him on



16.2.2002. Section 77 of DCS Act, 2003 deals Allotment of plots of land, flats, houses or other dwelling units made by the Maintaining Committee of the society to the members by draw of lots and such draw shall be conducted by the lessor of the land in accordance with the terms and conditions of lease and in this case allotment of flat has been made to the original member as per the provision of section 77. Hence, there is no violation of section 77 of DCS Act, 2003. Therefore, no prosecution sanction can be granted against Sh. Sunil Aggarwal, Sh. Amit Garg, and Sh. Tarun Lekhi u/s 118(7) of DCS Act, 2003 r/w section 121 of DCS Act, 2003. However, the ARCS (Housing Section-2) is directed to administratively verify the facts of the petition related to transfer of membership and various GPAs, SPAs executed before actual allotment of flat by the member and thereafter put up for appropriate action as per DCS Act, 2003 and Rules, 2007, if any.”

2. The submission of the learned counsel for the petitioner is that despite a finding in favour of the petitioner, the RCS has not sanctioned prosecution of the respondent No.2. He state that a complaint made in the year 2017 having been decided only on July 18, 2023, there is an apprehension that follow up administrative action as directed by the RCS in paragraph 10 may not be carried out expeditiously.

3. **The apprehension expressed by the counsel for the petitioner is answered by the learned counsel for the RCS by stating, the exercise as directed by the RCS shall be carried out within a period of six months as an outer limit. We by taking the submission of the learned counsel for the RCS on record, close the writ petition.**”

10. In terms of the above order, the Court had, while disposing off the writ, directed the RCS to complete the necessary compliance within a period of six



months.

11. In respect of the aforesaid order dated 25th September, 2023, the Petitioner has already filed **Contempt Case (C) 791/2024** titled '**Bharat Bhushan Allahabadi v. Government of NCT Delhi**'. In the said contempt petition, the Court had *vide* order dated 16th October, 2025 directed the RCS to complete the necessary compliance within six months, in terms of the order dated 25th September, 2023. The relevant portion of the order dated 16th October, 2025 reads as under:

“[...]

3. *It is noted that the order with respect to which the compliance has been sought is dated 25.09.2023. As per the said order, the RCS was directed to carry out the exercise within a period of six months and the said date was an outer limit. Admittedly, the same has not been done till date.*

4. *Let compliance affidavit be filed before the next date of hearing.*

5. *In case of non-compliance, the Registrar (Housing-II) shall remain present in Court on the next date of hearing.*

6. *List on 19.03.2026.”*

12. Ld. Counsel for the Petitioner submits that pursuant to the order dated 16th October, 2025 in **Contempt Case (C) 791/2024**, an order dated 29th December, 2025, has been passed by the RCS, Housing Section-II, wherein it has held that the transfer of the flat in favour of Gobind Ram and the subsequent transfers were contrary to law.



13. Despite the order dated 29th December, 2025 having been passed, the grievance of the Petitioner is that no action has been taken by the RCS. Hence, a representation has been made by the Petitioner on 21st January, 2026. In the said representation, the Petitioner claims that an FIR be registered against the President and Treasurer of the Society and Respondent No.4-Mr. Tarun Lekhi.

14. Heard. In the opinion of this Court, the question as to whether the allotment of the flat was illegal or not has been decided by the RCS *vide* order dated 29th December, 2025. The persons who may be aggrieved by the said order are at liberty to avail of their remedies in accordance with law.

15. The prayer in the present petition is for consideration of the representation dated 21st January, 2026 in respect of registration of an FIR. However, the same would not be maintainable at this stage, unless there was some criminal intent which can be shown by the Petitioner against the President and Treasurer of the Society and Respondent No.4.

16. The entire litigation appears to be motivated by politics in the Society.

17. Accordingly, the present petition is dismissed. The RCS shall, however, proceed in accordance with law.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MARCH 23, 2026

MR/SM