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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3736/2026 & CM APPL. 18309/2026, CM APPL. 18310/2026**

NIRMAL KAUR & ANR.

.....Petitioners

Through: Mr. J. P. Singh, Sr. Adv. with Mr. Harpreet Singh Nagpal and Mr. Pritpal Singh Chawla, Advs.

versus

REGISTRAR OF COOPERATIVE SOCIETIES, DELHI & ORS.

.....Respondents

Through: Mr. Shashi Pratap Singh and Ms. Shagun Sabharwal, Advs. for R1.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% 24.03.2026

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners under Article 226 and 227 of the Constitution of India, *inter alia*, seeking directions to the Registrar Co-operative Societies to furnish the official records in respect of proceedings conducted in compliance with order dated 17th October, 1995 passed by the Financial Commissioner and to protect the rights of the Petitioners pertaining to Plot No. F-4, situated at Manufacturers' Co-operative Industrial Estate Ltd. (*hereinafter*, 'the plot').
3. The facts in the present case have a long history. One Mr. Joginder Singh applied for membership of the Manufacturers' Co-operative Industrial Estate Ltd. (*hereinafter*, 'the Society'), in 1962. The said applicant was the



partner in M/s Diamond Calendar Manufacturing Company and Punjabi Press (*hereinafter, 'the firm'*). The other partners of the said firm included Mr. Surinder Pal Singh, Mr. Saranjit Singh and Mr. Nand Kirpal Singh.

4. Sometime between 1962-1973, certain amounts were deposited by Mr. Joginder Singh with the Society and the plot was allotted to the firm.

5. Thereafter, Mr. Joginder Singh passed away on 13th April, 1973. The said plot is stated to have been inherited by Mr. Nand Kirpal Singh, who is his brother. Sometime in 1974, there were certain issues relating to the fourth instalment which was to be deposited with the Society.

6. Further *inter-se* disputes arose between the partners of the firm, leading to **Suit No. 779/1976** being preferred before this Court.

7. In the meantime, a Show Cause Notice dated 17th October, 1979 was issued by the Society, qua which the case of the Petitioners is that the same was never received. The said Show Cause Notice had proposed for the expulsion of all the four partners from the membership of the Society.

8. Pursuant thereto, on 8th March, 1983, the Assistant Registrar had approved the expulsion of **M/s Joginder Singh & Ors.**, from the membership of the Society. The relevant portion of the order dated 8th March, 1983 is extracted below:

“In response to your letter No. MRFS/ H-45/83/2032/ dated 31.01.83 on the above subject, I am directed to inform you that the following decision has been taken for each expulsion case after thorough scrutiny.

1. Shri Nand Lal :- Since appeal of Sh. Nand Lal against decision of the joint registrar is pending in the Delhi State Cooperative Tribunal, therefore, obviously matter is sub-judice, no decision in the



case can be taken at present.

2. M/s. Joginder Singh & Others :- In view of the comments given in the letter under reply, approval under rule of 36 of the Delhi Cooperative Societies Rules, 1973 is accorded for the expulsion of M/s. Joginder Singh & other from the membership of Estate....”

9. The order dated 8th March, 1983 was challenged by way of an appeal by Mr. Nand Kirpal Singh, before the Registrar Co-operative Societies, Delhi. However, the appeal was dismissed on 2nd June, 1983, on the ground that the competent authority to hear the appeal was the Hon’ble Lt. Governor, Delhi under Section 76 of the Delhi Co-operative Societies Act, 1972.

10. Thereafter, an appeal was filed before the Hon’ble Lt. Governor, Delhi by Mr. Nand Kirpal Singh bearing Case **No. 82/1983**. However, *vide* order dated 21st July, 1983, the same was dismissed on the ground that it was time barred and that Mr. Nand Kirpal Singh being one of the four constituents of the membership in the Society, could not have filed the appeal in his individual capacity.

11. The order dated 21st July, 1983 was challenged by Mr. Nand Kirpal Singh before this Court in **C.W. No. 2726/1984** titled ‘**N. Kirpal Singh v. Lt. Governor of Delhi & Ors.,**’. However, the same was also dismissed *vide* order dated 6th December, 1984. The said order passed by this Court is extracted below:

“Dismissed. The petitioner is left to get relief either under Section 60 of the Delhi Co-operative Societies Act, or by a separate suit in respect of the expulsion.”



12. The above order dated 6th December, 1984 passed by the Division Bench of this Court was challenged by Mr. Nand Kirpal Singh before the Supreme Court in *SLP (Civil) 9275/1985* titled '*N. Kirpal Singh v. Lt. Governor of Delhi & Ors.*'. In the said SLP, vide order dated 30th September, 1985, notice was issued and the following order was passed:

"Issue notice. The plot in question shall not be allotted in favour of any other party without orders of this court."

13. After granting special leave on 9th February, 1993, the Supreme Court allowed the appeal preferred by Mr. Nand Kirpal Singh and vide order dated 14th July, 1993 in *Civil Appeal No. 519/1993* directed as under:

"... Receding back to the orders of the Lt. Governor. It is plain that the time spent by the appellant before the registrar was definitely deductible in computing the period of limitation under Section 14 of the limitation Act. That was not done. We are satisfied that this was not a case for rejecting the appeal on the basis of limitation. On the second aspect also, we are satisfied that the appeal could not be thrown out merely because the brothers of the appellant and their successors in-interest, had not joined as appellants with the appellant before the Lt. Governor. It is significant that they had not been left out altogether. Rather they were made parties as respondents as said earlier, and they could avail of the benefit of the appeal and be given relief along with the appellant. The principles of Order under Rule 41, 33 CPC, even though not strictly applicable, could be of avail as sound principle of equity and good conscience. Thus, the order of the Lt. Governor too is faulty in our view. Therefore, for the above reasons, we allow this



appeal and set aside both the judgments and orders of the High Court as also that of the Lt. Governor and remit the matter back to the Lt. Governor requiring him to hear the appeal on merits and give a proper decision after hearing all the parties concerned

No order as to costs.”

14. As can be seen from the above order, it is clear that the Supreme Court categorically held that the writ petition could not have been dismissed and, in fact, the order passed by the competent authority *i.e.*, the Hon’ble Lt. Governor, was also faulty. The appeal, therefore, was allowed and the matter was remitted back to the Hon’ble Lt. Governor to hear the appeal on merits and give a proper decision.

15. Pursuant to the said order of the Supreme Court, Ld. Financial Commissioner, who is now the competent authority, passed the order dated 17th October, 1995. *Vide* the said order dated 17th October, 1995 the matter was remanded back and the order dated 8th March, 1983 passed by the Assistant registrar was itself set aside. The operative portion of the said order is set out below:

*“6. Learned counsels/representatives of the parties, as give in the preceding paragraph, have been heard at great length and the matter has been examined on merits. Without discussing the merits and demerits of the submission made from both sides, **I may add here that the impugned order is not sustainable in law for the reason that the same in totally a non-speaking one and it does not give any reason for approving the expulsion at all. There are therefore no reason/ grounds to consider the legality and propriety of the said order on***



merits, as it does not spell out any ground to arrive at the decision for approval of the expulsion. The impugned order therefore, deserve to be set aside on this ground itself. And I order accordingly.

7. In result, the appeal is allowed, the impugned order is set aside and the case is remanded to the Registrar, Cooperative Societies, Delhi for passing a fresh speaking order on facts and merits after hearing all the concerned parties.

8. Case remanded. Order announced,”

16. After the aforesaid order was passed by the Ld. Financial Commissioner in October, 1995, Mr. Nand Kirpal Singh passed away in February, 1996.

17. In the meantime, parallelly, Mr. Nand Kirpal Singh was also embroiled in family litigation initiated by the partners of the firm under Suit. **No. 779/979**. The said proceedings culminated into an arbitration and award dated 26th March, 1990 was passed.

18. Additionally, pursuant to the order dated 17th October, 1995 passed by the Financial Commissioner, the legal heirs of Mr. Nand Kirpal Singh were repeatedly availing of their legal remedies.

19. Mr. Kanwal Jit Singh, the son of Mr. Nand Kirpal Singh pursued the case before the Registrar Co-operative Societies. However, he passed away on 11th March, 2008. After his demise, Mr. Rajdeep Singh, the other son of Mr. Nand Kirpal Singh continued to pursue the case for the Registrar Co-operative Societies.

20. Sometime in 2018, it is stated that some construction activity at the plot was noticed and it was then that the legal heirs of Mr. Nand Kirpal Singh have



sought legal advice.

21. Thereafter, Mr. Rajdeep Singh also passed away on 3rd December, 2022.

22. The Petitioners herein, are the wife of late Mr. Kanwal Jit Singh and son of late Mr. Rajdeep Singh, who have now filed the present petition.

23. From the chronology of events, it is clear that there has been enormous delay after the matter was remitted by the Financial Commissioner to the Registrar Co-operative Societies.

24. There is no explanation furnished by either of the parties, on behalf of the Petitioners regarding the delay in pursuing their remedies, nor is there any disclosure as to the action taken by the Registrar Co-operative Societies.

25. Ld. Counsel for the Registrar Co-operative Societies submits that the record in the present matter is extremely old and the office of the Registrar Co-operative Societies is in the process of getting it.

26. In any event, the order dated 30th September, 1985 of the Supreme Court, is clear that the plot was not to be allotted to anyone else in the meantime, without orders of the Supreme Court.

27. In order to expedite the matter, leaving all the objections of the Registrar Co-operative Societies open, including the question of maintainability, it is deemed appropriate to direct that the Petitioners, the Society as also Respondent No.3-M/S Green Lounge Banquet, who is now stated to have been temporarily allotted the plot, be heard by the Registrar Co-operative Societies, so that the Registrar Co-operative Societies can take a comprehensive view in the matter.

28. Accordingly, all parties namely the Petitioners, and Respondent No.3 and a competent office bearer of the Society shall appear at the office of



Registrar Co-operative Societies on **15th April, 2026 at 11:30 AM.** A hearing shall be provided on the said date, to all the parties.

29. In the meantime, notice shall also be served *dasti* upon Respondents, along with a copy of today's order so that all the three parties can participate in the hearing.

30. The Registrar Co-operative Societies shall, after hearing the parties, file a proper status report in this matter along with all the relevant documents.

31. In the meantime, it is made clear that no further third-party interest shall be created by any of the parties including the Petitioners or the Respondent No.3, till the next date of hearing.

32. List on 20th July, 2026.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MARCH 24, 2026/b/sm