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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6627/2025, CM APPLs. 30105/2025 & 30106/2025**

SANJEEV KUMAR KANSAL

.....Petitioner

Through: Mr Vinod Gautam and Mr Vasdev
Lalwani, Advs.

versus

**THE REGISTRAR, CO-OPERATIVE SOCIETIES,
GOVERNMENT OF NCT OF DELHI & ANR.**Respondents

Through: Ms. Harshita Nathrani, Adv. for Mr.
Sameer Vashisht, SC (Civil), GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **16.05.2025**

1. This hearing has been done through hybrid mode.

CM APPLs. 30105/2025 (for exemptions)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 6627/2025 & CM APPL. 30106/2025

3. The present petition has been filed by the Petitioner under Article 226 and 227 of the Constitution of India *inter alia* seeking -

(i) Quashing of the order dated 25th September, 2023 passed by Respondent No.1-Registrar of Cooperative Society (hereinafter 'RCS') and;

(ii) Directions to Respondents to comply with the award passed by the Id. Arbitrator dated 27th October, 2014.

4. The background of this case is that the Petitioner had become the *bona fide* member of the Respondent No.2, Society-Bhagwati Cooperative Group



Society Ltd (hereinafter '*Society*') upon payment of membership fee along with the sum of Rs. 3,25,000/- on 21st April, 2001 and was granted Membership No.504 (Category-A1). He had deposited a sum of Rs.5,30,000/- on 19th June, 2001. However, when an election was declared in the Society, the name of the Petitioner was not reflected in the eligible members which led to the invocation of arbitration proceedings vide **Arbitration case no. 2663/DR/ ARB/2004-05**. An award was passed by the Id. Sole Arbitrator in favour of the Petitioner on 31st July, 2007 which was sought to be executed by the Petitioner. However, this award was set aside by the Id. Delhi Cooperative Tribunal on 30th April, 2014 in the appeal preferred by the Society. The matter was again referred to arbitration with another Sole Arbitrator and an award was passed on 27th October, 2014. The operative portion of the said award is set out below:

“Thus here it is my opinion that RCS Delhi office should obtained the report of Government laboratory related to the handwriting expert within month of submission or issue of the opinion of under signed and for that purpose the society days of the issue of this opinion/report.

If the report obtained by the RCS Delhi office is found in favour of the society, then society is hereby instructed/directed to refund the whole amount deposited by one claimant under the norms of the Bank loan calculations which is to be made on annual basis as per rate of interest prevails time to time in the matter. But this process should be completed within three months i.e. up to 31st Jan, 2015. If it is not completed then it is to be presumed that society is interested in retaining the membership of the claimant.

5. As can be seen from the above award, the signature of the Petitioner was to be compared on the resignation letter and the RCS had to proceed in



terms of the award. The Petitioner sought execution of this award - however, to no avail, which led to the filing of a writ petition being **W.P.(C) 14426/2024** titled **Sanjeev Kumar Kansal v. The Registrar Co-operative Societies Government NCT of Delhi & Anr.** In the said writ petition, a Coordinate Bench of this Court on 15th October, 2024 has directed as under:

“5. Consequently, this Court disposes of the present writ petition along with the application with a direction to the Recovery Officer, Co-operative Societies to decide the petitioner's application under Section 105(b) of the Delhi Co-operative Societies Act, 2003 read with Section 61 of the Delhi Co-operative Societies Act, 1972, in accordance with law within twelve weeks. The rights and contentions of all the parties are left open.”

6. A perusal of the above directions make it abundantly clear that the Recovery Officer, was to decide the execution application of the Petitioner within twelve weeks. Repeated letters were also written but no action was taken. Suddenly, the Petitioner comes to know that the execution has been dismissed on 25th September, 2023 which was also not informed to this Court on 15th October, 2024. Hence this writ petition has been filed.

7. Issue notice to the Respondents.

8. Mr. Vashisht, Id. Standing Counsel (Civil) accepts notice on behalf of GNCTD.

9. Let a short affidavit be filed by the RCS.

10. In the meantime, if any allotment of flats is going in the society, one flat shall be kept vacant for the Petitioner.

11. List before the Joint Registrar on 23rd July, 2025.



12. List before the Court on 6th October, 2025.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 16, 2025

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