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

+ **W.P.(C) 6773/2025 & CM APPL. 30709/2025**

**MOHINDERPAL SINGH SETHI THROUGH HIS POA
HOLDER**

.....Petitioner

Through: Ms. Kajal Chandra, Adv.

versus

**DHUDIAL COOPERATIVE GROUP HOUSING SOCIETY LTD
THROUGH ITS PRESIDENT & ANR.**

.....Respondents

Through: Mr. Swapan Singhal, Adv. for Mr.
Sameer Vashisht, SC (Civil),
GNCTD/R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

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20.05.2025

1. This hearing has been done through hybrid mode.

CM APPL. 30709/2025 (for exemption)

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

W.P.(C) 6773/2025

3. The present Petition has been filed under Articles 226 and 227 of the Constitution of India seeking possession of the Flat No. 152, Dhudial Co-operative Group Housing Society Ltd., North West Zone, Pitampura, Madhuban Chowk, Outer Ring Road, New Delhi - 110034 (hereinafter "*the subject property*").

4. According to the Petitioner, the father of the Petitioner Late Sh. Inderjit Singh Sethi had become a member of the Dhudial Co-operative Group Housing Society Ltd. (hereinafter "*the Housing Society*") and was awarded



the Membership No. 252. It is stated that the Petitioner's father had paid the entire money which was due for the said membership and continued to do so in the period from 1977 to 1978. However, possession of the subject property was not given to the Petitioner's father who eventually passed away on 16th January, 1986. Further payments towards development of the Housing Society were also duly paid during the period of 1986 to 1987. The membership was thereafter transferred to the mother of the Petitioner who also passed away on 4th May, 1991. The Petitioner then became a member of the Housing Society on 7th May, 1992.

5. It is the case of the Petitioner that the Housing Society itself had issued a letter of possession on 6th April, 1993. However, till date, the physical possession has not been given to the Petitioner. Receipts of payments, etc. have all been issued to the Petitioner. Sometime in 1998-1999 the Housing Society had issued demand letters to the Petitioner at the subject property. It is stated that the said letters were never received by the Petitioner as he was a resident of the Lodhi Colony, New Delhi, at the relevant time. Further, as per the Petitioner, a sum of Rs. 2,31,000/- has been paid by the Petitioner, and only a sum of Rs. 10,000/- towards escalation charges remains pending. Due to non-payment of the said escalation charges possession of the subject property was not handed over to the Petitioner. It is stated that the Petitioner made several attempts to resolve the issue regarding escalation charges, however, the same did not avail any result.

6. Thereafter, the Petitioner was expelled from the membership of the Housing Society which was challenged by the Petitioner via a claim petition. However, the said expulsion was upheld by the Id. Join Registrar, Registrar of Co-operative Societies, Delhi (hereinafter "RCS") in **Arb. Case. No.**



22/JR/EXP/02-03/20 vide order dated 14th January, 2003. The Petitioner is stated to have filed an appeal against the said order of the RCS and the matter was remanded to the RCS *vide* order dated 11th May, 2023 by the Financial Commissioner.

7. The Petitioner is aggrieved by the fact that till date the said issue has not been decided and hence the present petition.

8. The Court has considered the matter and perused the records. The Id. Counsel for the RCS shall seek instructions in this matter as to why there has been a delay in deciding the issue of expulsion of the Petitioner from the Housing Society.

9. Issue notice to the Respondents.

10. Mr. Sameer Vashisht, Id. Standing Counsel (Civil), GNCTD accepts notice on behalf of Respondent No.2 - RCS.

11. In addition, the Housing Society shall also be served *dasti* so that it may make submissions on the next date.

12. List on 27th May, 2025.

13. Order *dasti*.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 20, 2025

Rahul/msh