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

+ **W.P.(C) 13556/2022**

SHIV SHANKAR DEV

.....Petitioner

Through: Ms. Sonia A. Menon, Advocate
(through VC)

versus

**THE REGISTRAR CO-OPERATIVE SOCIETIES
& ORS.**

.....Respondents

Through: Mr. Abhinav Sharma, Mr. Shubham,
Advocates for R-1/RCS.
Ms. Beenashaw N. Soni, ASC with
Ms. Ann Joseph, Advocate for
DDA/R-2.
Mr. Vidit Gupta, Mr. Trivesh Sharma,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

27.08.2025

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1. This petition was filed seeking the following reliefs:

“a) Direct the Respondent No.1/RCS to forward the name of the Petitioner for allotment/regularization /approval of flat bearing no Flat No. 406, 4th Floor, Niji Co-Operative Group Housing Society Ltd. Plot No. 40-B, Sector-10 Dwarka, New Delhi-110075 to the Respondent No.2/DDA for the approval.

b) Direct the Respondent No.2/DDA to consider the application of the Petitioner for conversion of Flat No. 406, 4th Floor, Niji Co-operative Group Housing



Society Ltd. Plot No. 40-B, Sector-10 Dwarka, New Delhi-110075 from leasehold to freehold.

c) Pass any other and/or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

2. Ms. Sonia A. Menon, counsel appearing on behalf of petitioner, draws our attention to the fact that Flat no. 406, 4th floor, Niji Co-operative Group housing Society ltd. Plot no. 40-B, Sector 10 Dwarka, New Delhi (**‘subject flat’**), was allotted to petitioner in the respondent no.3/Society. The petitioner deposited the cost of the subject flat as demanded by the respondent no.3, amounting approximately to Rs.16 Lacs. Towards payment of the said cost, the petitioner along with his wife, obtained the housing loan. Thereafter, on 31st December 2020, the bank issued a No-Dues Certificate in favour of petitioner.

3. Subsequently thereto, on 28th December 2004, respondent no.3/Society issued an allotment letter to petitioner, whereafter possession of the subject flat was handed over to him on 05th January 2005, and a Flat Possession Agreement was executed. Petitioner has been residing in the subject flat since 05th January 2005 and been depositing the maintenance charges to respondent no.3/Society regularly.

4. In 2020, petitioner states that he needed funds and therefore wanted to dispose of the flat. Accordingly, he applied to respondent no. 2/Delhi Development Authority (**DDA**) for conversion of the flat from leasehold to freehold vide application dated 5th October 2020. Petitioner was informed that the conversion of the property cannot be done as the names of the approved members have to be sent by respondent no.1/Registrar of Co-



operative Society (**'RCS'**) to respondent no.2/DDA and then only, further process can be initiated.

5. *Ms. Sonia A. Menon*, counsel for petitioner, informs that under the Right to Information Act, 2005 (**'RTI Act'**), the application was made to access the relevant documents. It transpires that the Society had done a self-draw, which is yet to be approved by respondent no.1/RCS. The matter is, therefore, stuck at the RCS level where approval is not being granted.

6. Counsel for respondent no.1/RCS points out to the counter affidavit and submits that the based on the pleadings filed by the petitioner, it is evident that the procedure stipulated under the Delhi Co-operative Societies Act 2003 (**'DCS Act'**) has not been followed. It is stated that the Society was required to transmit the relevant information to the RCS, and upon receipt of an application in terms of Schedule VII of the Delhi Co-operative Societies Rules 2007 (**'DCS Rules'**), the verification process had to be completed with respect to an individual member and thereafter, the procedure as laid down, had to be followed.

7. Counsel for respondent no.1/RCS further draws attention to *paragraph 8* of their counter affidavit which states that there is a CBI inquiry pending against the Society and, therefore, the files of the same are not with the office of the RCS.

8. Counsel for respondent no.3/Society submits that he was not served with the copy of aforesaid counter and, therefore, is not aware of the position taken by the RCS.

9. However, having been informed of the same today, counsel for respondent no.3/Society shall take steps to address the issue raised by the RCS.



10. Considering the submission of *Ms. Sonia A. Menon*, counsel for petitioner, that these documents which they have filed before the Court were also obtained through RTI from the RCS, it appears that the RCS may not have considered the matter in proper detail and that the documents may, in fact, still be available with the RCS.

11. For the purposes of closing this unending loop, it is directed that the RCS will convene a meeting/hearing before itself on 04th September 2025 at 11:00 A.M., in which, both the petitioner (*duly assisted by counsel, if need be*) and the respondent no.3/Society (*duly assisted by counsel, if need be*) will appear with all relevant documents to apprise the RCS in this regard.

12. Pursuant to further deliberations before the RCS, a status report shall be filed by the RCS before this Court within six weeks thereafter.

13. List on 7th November 2025.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

VIMAL KUMAR YADAV, J

AUGUST 27, 2025/ak/zb