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

Date of Decision: 17th November, 2026
Uploaded on: 19th November, 2026

\# **CNR No. DLHC010546732026**

\+ **W.P.(C) 16832/2026 & CM APPL. 78689/2026**

SH. KANWAL KUMAR SETHI & ORS. .....Petitioners
Through: Mr. Anil Kumar, Advocate

versus

GOVT OF NCT OF DELHI & ORS. .....Respondents
Through: Ms. Harshita Nathani, Adv. for R-1.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. This matter is being taken up today for hearing as 16th November, 2026 was declared a holiday on account of ***Chhath Puja*** vide ***Notification No.110/G-4/Genl.-I/DHC*** dated 11th November, 2026.

CM APPL. 78689/2026 (for exemption)

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

W.P.(C) 16832/2026

4. The present petition has been filed by the Petitioners under Article 226 of the Constitution of India, *inter alia*, seeking a direction to the Registrar of Cooperative Societies (hereinafter '*RCS*') to comply with the directions of the order dated 20th January, 2015 of the Supreme Court in ***SLP No.l1337/2015*** titled as ***Bhirochi Cooperative House Ltd. vs. Kanwal Kumar Seth and Ors.***

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5. The Petitioners are persons who are seeking membership of the Bhirochi Cooperative House Building Society Ltd. (*hereinafter 'the Society'*). They had filed certain appeals for membership along with other individuals which came to be decided *vide* a common order dated 8th June, 2001 passed by the RCS.

6. *Vide* the said order, the RCS had directed the Society to admit the Petitioners as members with all consequential benefits including allotment of plots. The said order of the RCS was passed *ex-parte* as the Society had failed to appear.

7. The Society then challenged the said order before the Financial Commissioner *vide* a revision petition. The Financial Commissioner dismissed the revision *vide* order dated 27th June, 2003.

8. Upon the said dismissal, the Society again challenged the order before the Delhi High Court in ***W.P.(C) 4667/2004*** titled as ***Bhirochi Cooperative House Build Society vs. Financial Commissioner and Ors.*** which was decided on 23rd November, 2010. The ld. Division Bench vide the said order had observed as under:

> *"5. We do not find any error in the approach of the Financial Commissioner and hold that the petitioner society is guilty of not properly prosecuting its case resulting in the ex parte order dated 8.6.2001 passed by the Registrar. The learned senior counsel for the petitioner sought to draw our attention to certain letters of the Advocate of the R-3 to R-9 sent during the proceedings before the Registrar whereby the Advocate sought to inform the petitioner of the date of hearing. It was sought to be argued that there is apparent manipulation in those letters with regard to the date of hearing. We are unimpressed by this argument because it was no legal duty of the opposite party?s Advocate to*

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inform the petitioner of a date of hearing. Further, even if, there is a dispute as to a date of hearing, then as we have already observed that no steps were taken by the petitioner itself to find out any date fixed for hearing and also so held by the Financial Commissioner.

6. Another fact, which has come to notice during the pendency of the present petition, is that an enquiry was conducted with respect to the petitioner society and an inspection report was given by the concerned officer. The following reply of the management of the society in the said proceedings are relevant inasmuch as it shows the fact that the society deliberately did not appear in the proceedings before the Financial Commissioner.

Reply on the complaint regarding Non contesting the case of seven applicants by the society before the Court of Financial Commissioner- The respondent has stated that allegations are false, frivolous and vexatious. The erstwhile MC contested all the seven cases before the Registrar Cooperative Society from the year 1997 to 2001, since they fully knew that they have no case, as many vacancies existed and in no case they could have denied membership in ease vacancies exist irrespective of casts, creed and. sex. The respondent further stated that the present MC has stopped appearing in the matter before RCS and to make the appeals for membership in fructuous, passed the resolution for the public auction of the seven vacant plots, after approval of the general body and referred the extract of the Resolution referred in the letter of the society dated 24/11/1997. Respondent has stated that it was he who filed the appeals before the FC inspite of the facts that the present MC, who was at the helm of the affairs of the society at that time, allowed the limitation appeals to lapse for filing the appeals and the advocate of the society contested the same before the FC and respondent had again filed writ before the Delhi High Court and the matter is subjudice.

7. It is quite clear that the society failed to contest the proceedings resulting in the ex parte order dated

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8.6.2001 whereby the appellants therein and the respondents 3 to 9 herein were admitted as members of the society with all consequential benefits.
8. The petition is therefore devoid of merits and is dismissed with costs of Rs.15,000/- to be shared equally by the respondent no.2, private respondents
3 to 9 and interveners. All pending CMs also stand disposed of accordingly and interim orders are vacated." ***(extracted as is)***

9. The said order of the ld. Division Bench was challenged before the Supreme Court in ***SLP No.9571/2011***. The same came to be allowed and all the orders *i.e.*, of the RCS, the Financial Commissioner and the High Court were set aside. The operative portion of the Supreme Court is set out order:

"……..…
We have heard learned counsel for the parties at some length who have taken us through the orders passed by the Registrar, Financial Commissioner as also the High Court. The primary question that fell for consideration before the Registrar was whether the society's rejection of the application filed by the respondents for membership was justified. The Registrar has in his order. no doubt referred to the contentions urged on either side and also noted that the appellant-society did not properly contest the proceedings but while allowing the prayer made by the respondents, the Registrar has failed to record any specific finding on several aspects that fell for consideration before him. For instance, the Registrar's order does not indicate as to what is the total membership of the society and whether any vacancies have occurred on account of the members of the society leaving or abandoning their membership or on the account of death or otherwise. The Registrar's order does not even state as to whether the society is entitled to take any further members and, if so, by what process and to what extent or in what number. The order does

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not take note of the relevant rules and regulations framed under the Act, nor is it clear from the order passed by the Registrar whether any other claims for membership have been made and, if so, what would happen to those claims. The Registrar's order does not state as to number of plots as are available or the number of persons already waiting to be taken as members or those aspiring to get a plot allotted in their favour. To say the least, the Registrar's order is totally unsatisfactory, non-speaking for it does not disclose due and proper application of mind. One could understand that the deficiency in the Registrar's order was removed by the revisional authority going into the relevant aspects, but that is also not so. Even the Financial Commissioner who examined the matter in revision failed to take note of or deal with the above aspects or record any specific findings in relation thereto. The High Court similarly appears to have overlooked the critical issues mentioned above just because the society was remise in properly and effectively contesting the matter before the Registrar did not absolve the Registrar or the Financial Commissioner of their obligation to apply their mind properly and to determine all that fell for determination before him.

In the circumstances. therefore, and given the nature of the orders that have been passed, we are left with no alternative except to allow this appeal, set aside the orders in question and remand the matter to the Registrar for a fresh determination. We accordingly allow this appeal and while setting aside the orders impugned, remand the matter to the Registrar to decide the matter afresh keeping in view the observations made herein. Since the matter has been languishing for a long time, we direct that the Registrar shall expedite and as far as possible dispose of the matter within a period of six months from today. The parties are directed to appear before the Registrar on 16.02.2015. No costs .”

10. As can be seen from the above order passed by the Supreme Court, the

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matter was remanded for fresh consideration to the RCS and the RCS was to dispose of the matter within six months. More than 11 years have passed since then.

11. The grievance of the Petitioners is that the RCS has not disposed of the matter till date.

12. On behalf of the RCS, ld. Counsel submits that the Society is again not appearing before the RCS due to which the matter is getting prolonged.

13. Ld. Counsel for the RCS submits that in fact, a final notice has been issued to the Society on 30th October, 2026 asking the Society to file its written submissions. The Petitioners have already filed their written submissions in the matter. The matter has been fixed on 19th November, 2026 before the RCS.

14. Under these circumstances, since the RCS has already taken action, the Court is refraining from making any observations against the RCS.

15. The Society is directed to appear before the RCS along with the Petitioners and make its submissions, if any.

16. The RCS shall then decide the matter bearing in mind the orders passed by the Supreme Court and the observations made therein.

17. The said order shall be passed by **15th January, 2027**. If the Society does not appear on the said date, no further opportunity shall be granted to the Society.

18. A copy of this order be served upon the Society through its President and the Secretary of the Society by the Petitioners as also by the Registry on the following mobile numbers:

- ***Mr. Ramesh Kochar, President***
  Mob. No.: 9871506111

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- ***Mr. Sanjeev Tandon, Secretary***

  Mob. No.: 9810013244

19. The Petitioners are free to approach this Court, if the RCS does not pass the order by 15th January, 2027.

20. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

21. List for reporting compliance on 11th February, 2027.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 17, 2026
Rahul/as

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