

IN THE COURT OF THE FINANCIAL COMMISSIONER,DELHI

Case No 205/2014

In the matter of :

Smt Pushpa Devi
Through Shri Vijay Sharma (Attorney)
R/o Flat No. AG-18, Backward Class &
LIG Group Housing Society.
Shiva Enclave, A-4, Paschim Vihar,
New Delhi.Petitioner/Applicant

Versus

1. Delhi Cooperative Housing
Finance Corporation Ltd,
3/6 Siri Fort Institutional Area
August Kranti Marg, New Delhi.
2. Backward Class & LIG CGHS LTd.
BG-1, Shiva Enclave
A-4 Paschim Vihar,
New Delhi-110063.Respondents

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 04th June, 2015

1. This order will dispose of the review application 21.10.2014 filed by the applicant for modification/variation or recalling the order dated 18.09.2014 passed by this court. The applicant in her application failed to mention the Section/Act under which the application has been filed. In such a situation, I am constrained to assume that it has been filed under section 115 of Delhi Cooperative Societies Act, 2003 (hereinafter called DCS Act,2003) and it will be disposed of accordingly. Vide order dated 18.09.2014 this court disposed of the revision petition case no 168/2014 titled as Smt. Pushpa V/s Delhi Cooperative Housing Finance Corporation Ltd. (hereinafter called DCHFC Ltd.) & Anr. as the petitioner could not make a convincing case for the admission of that revision petition. During the proceedings on 18.09.2014, *petitioner has offered that she is willing to make payment of outstanding dues provided three months time is given to her.* On this offer Court granted *the liberty to the petitioner to make this offer before the Asstt. Collector who should consider it as per law.*

2. Whereas Section 115 of DCS Act, 2003 reads as under :

"115. (1) The Government or the Tribunal or the Registrar on the application of any party may review their own order in any case, and pass in reference thereto such order as they think just :

Provided that no such application made by the party shall be entertained unless the Government or the Tribunal or the Registrar, as the case may be, is satisfied that there has been the discovery of new important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when order was made or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reasons :

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and being heard in support of such order.

(2) An application for review under sub-section (1) by any party shall be made within thirty days from the date of communication of the order of the Government or the Tribunal or the Registrar."

3. Whereas applicant in her application has failed to bring to the notice of this Court any mistake or error apparent on the record. However, the applicant has made only one point that the copy of arbitration award dated 03.04.2006 passed in arbitration case No. 6216/DR/Arb./2005-06 was made available to her only on 15.10.2014 as the petitioner was not made party to the arbitration proceedings and therefore the order dated 18.09.2014 should be reviewed/recalled.

4. Counsel for Respondents i.e. DCHFC Ltd. and the Society submitted that the petitioner was very much aware of the arbitration award dated 03.04.2006 and in pursuance of this award she has been appearing before the Assistant Collector since 13.08.2012, as can be seen from the proceeding sheets of the Court of the Assistant Collector. Therefore, she cannot now say that she was not aware of award dated 03.04.2006.

5. Therefore, the applicant has failed to give any valid and cogent reason to review or recall the order dated 18.09.2014.

6. Announced in the open Court.

(NAINI JAYASEELAN)
FINANCIAL COMMISSIONER
04th June, 2015.