

Case No. 253 of 2024

**Canara Cooperative Group Housing Society Ltd.
Vs.
Registrar Cooperative Societies**

20.03.2025

Present : None for Petitioner.
: Ms. Vibhuti Jain, Proxy Counsel for Respondent,
RCS.

1. An application under Order 1 Rule 10 Sub-Rule 2 of the Code of Civil Procedure, 1908 for impleadment was filed by applicant, Rajiv Parashar on 01.10.2024. Presently, this Court is confining itself to decision on this impleadment application.
2. Very briefly the case of the Petitioner Society is that last elections were conducted in Society on 16.04.2023 through the Administrator-cum-Returning Officer appointed by the RCS and after election present Managing Committee was elected and took over the working of the Society. The Managing Committee received letter dated 23.06.2023 from M/s GKM & Associates, Chartered Accountants demanding certain documents for Special Audit ordered by RCS for the period 2016-17 to 2020-21 when it came to knowledge that during the tenure of the Administrator, the RCS ordered Special Audit of the Society on the basis of complaint made by Rajiv Parashar. However, no record related to said complaint was found in the records of Society.
3. Thereafter, Managing Committee submitted a letter dated 25.06.2023 to the RCS stating that Society has no problem in conducting the Special Audit, however, the Society is not having sufficient funds to pay the Auditor. Further, the Special Audit was ordered on the complaint of single member whereas there are more than 300 flats in the Society. Rajiv Parashar purchased flat in the Society in February, 2020 and was given membership in June-July, 2020 and since then he has been indulging in filing frivolous complaints and RTI against the Society. The complainant Rajiv Parashar was also involved in ordering imposition of penalty on the members of the present



Managing Committee which has been set aside by this Court vide common order dated 12.07.2024 passed in Revision Petition Nos.236/2023 and 22/2024.

4. The Petitioner Society In the present revision petition sought setting aside of various orders passed by the RCS i.e. dated 09.03.2023 ordering special audit, dated 15.12.2023 addressed to the Divisional Commissioner and dated 29.08.2024 appointing an observer.
5. The applicant, Rajiv Parashar is seeking impleadment in the present case on the ground that applicant is the member of Society and is necessary party to the present matter as he was the complainant and upon his complaint impugned orders were passed by the RCS which has been concealed by the Petitioner herein and in order to ensure just adjudication of present matter, it is necessary to implead the applicant in the array of parties. The Applicant filed WP(C) No.11597/2024 before the Hon'ble High Court of Delhi. The Hon'ble High Court vide order dated 10.09.2024 disposed of the same as the records have been seized on 04.09.2024 and handed over to the Auditor by the RCS for the purpose of conducting Special Audit.
6. The Petitioner Society in response submitted that the applicant is not necessary in present revision petition as the petition is against the RCS for not following the DCS Act and Rules and also against the principles of nature justice. The plea of the applicant to get impleaded in the present matter is that he is the complainant in the present matter which does not entitle the applicant to be made a Party. This Court in several matters where the Impleadment application was filed being the complainant had dismissed such applications, thus the present application is liable to be dismissed on same analogy. Further, the applicant has completely failed to show as to what prejudice would be caused to him if he is not impleaded. The law is settled that a party whose presence is necessary to adjudicate the matter can only be impleaded as a party whereas the presence of the applicant is neither necessary nor essential. The present revision petition is against the illegal orders passed by the office of Registrar of Co-operative Societies and the



issue is in respect of functioning of the society and not in any personal matter/issue of any particular member. The Applicant who is working in Delhi Police is misusing his official powers to influence the office of RCS to get orders as per his whims and fancy without giving any opportunity to the Petitioner Society to present their side properly.

7. The Respondent, RCS in response has submitted that the SDM(Alipur) in the presence of Section Officer (Home Department)/Observer has already completed the process of search and impounding documents of the Petitioner Society, thereby rendering the present petition as infructuous, therefore the application under response has also become non-maintainable. However, by a letter dated 08.12.2022, the applicant requested Respondent for initiating the process of special audit, whereupon the orders under challenge were passed in accordance with the provisions of DCS Act & Rules. The Respondent hereby denies each and every allegation made in the application under reply or otherwise.
8. From the documents on record and the submissions of all the parties in the matter, it is noted that the RCS had already taken cognizance of the complaint of the Applicant and has ordered special audit of the Society which is being conducted after seizing the documents from the Society through SDM and the Observer appointed by the RCS. Therefore, there is no further cause of action remained as far as the applicant is concerned. Therefore, the presence of the applicant is not necessary for proper adjudication of the matter as all the parties are participating in the present proceedings. Accordingly, the impleadment application filed by Rajiv Parasher under Order 1 Rule 10 of the Code of Civil Procedure, 1908 for impleadment is dismissed.
9. Adj. to 11.04.2025 for further proceedings in the matter.

