

Case No. 167 of 2025

29.08.2025

Present : Shri Rajendra Khare, Petitioner in person.
: Ms. Vasu Singh, Counsel for R-1.
: Shri Akshay Bhardwaj, Counsel for R-2 & R-3.

1. Heard the parties.
2. The Petitioner in person submitted that he is challenging (in revision petition No.140/2025) the impugned order dated 01.07.2025 granting extension of 90 days to Administrator and the next date of hearing in this case is 14.08.2025. The Petitioner further stated that he has filed number of complaints in the office of RCS against R-2, the present Administrator for statutory violations.
3. The Petitioner further submitted that the R-2/Administrator was appointed on 07.10.2024 for a period of 90 days and his terms expired on 08.01.2025 and also R-2 did not apply for extension till 30.05.2025 and continued to work illegally there.
4. The Petitioner filed written arguments.
5. The Counsel for R-1, RCS submitted that the election process in the society has already been commenced and it cannot be stopped and numbers of judgments/orders have been passed in this regard. She also filed copy of judgment (in LPA No.597/2024) titled Javed Rahat and Others Vs. Bar Council of India and Others dated 24.01.2006 passed by Hon'ble Delhi High Court regarding non-interference in the election process. She further submitted that the election Agenda has also been issued, a fact admitted by the Counsel for Petitioner.
6. R-2 & R-3 also stated that this petition alongwith revision petition No.140/2025 is not maintainable as the main issue raised by the Petitioner is regarding the functioning of the Administrator. He contended that the Administrator has been appointed under

Section 35 of Delhi Cooperative Societies Act, 2003 and its functioning is governed by Section 35 only. The same is appealable before the Delhi Cooperative Tribunal (DCT) under Section 112 of DCS Act. Hence, the present petition alongwith revision petition No.140/2025 is not maintainable before this court.

7. The Petitioner submitted that the operation of the impugned order dated 06.08.2025 passed by R-1 permitting elections without audit be declared null and void and election agenda Notice dated 08.08.2025 can also be rejected by issuing the Administrative order by this court under Section 76 of Delhi Cooperative Societies Act as the said election agenda notice has been issued hurriedly. Even if that be true, the urgency shown by RCS cannot be a ground to stall the elections. Further, the ARCS order dated 06.08.2025 is a speaking order which justifies the continuance of election process despite statutory audit of 2023-24.
8. The interim stay already given on 12.08.2025, which was given ex-parte without hearing the Respondents, regarding conduct of election is vacated and the society through Administrator is free to proceed with the election process.
9. The Petitioner conveyed his no-objection to clubbing this matter with the proceedings No.140/2025. These two proceedings are clubbed and will be taken together on the next date of hearing.
10. As requested by Petitioner, copy of this order be given dasti.
11. Adj. to 18.09.2025 for further hearing on both matters.

**Financial Commissioner
Delhi**

Case No. 269 of 2023

29.08.2025

Present : None for Petitioner.

: Shri Abhishek Tyagi, Proxy Counsel for Review Applicant.

1. The Review Applicant/Respondent submitted that the impugned order dated 11.01.2019 passed by the Tehsildar/C.O. is in compliance of the Hon'ble Supreme Court of India order, hence it cannot be declared as non est.
2. On 04.04.2025, the Review Applicant/Respondent was given final opportunity to submit copy of Hon'ble Supreme Court of India's orders in Civil Appeal No.2522/2016 and only if the link between the orders of Tehsildar and orders of Hon'ble Supreme Court's is established, the matter shall proceed further. But today also, the Petitioner failed to do so.
3. The Review Applicant/Respondent is again directed to establish the link of orders of Tehsildar with the orders of Hon'ble Supreme Court of India as has already been directed on 04.04.2025 by the predecessor of this court, on the next date of hearing.
4. Issue notice to R-2, Tehsildar (village Burari) through Deputy Commissioner (Central).
5. Issue notice dasti to the Petitioner through Counsel for Review Applicant/R-1 and also through the court.
6. Adj. to 17.09.2025.

**Financial Commissioner
Delhi**

Case No. 104 of 2025

Narender Singh Dhingra & Anr. Vs. G.S. Alipur

29.08.2025

Present : Shri Abhilash Vashist, Counsel for Petitioner.
: None for Respondent.

1. Petitioner filed revision petition on 06.07.2018 and stay was granted to the Petitioner. Thereafter, Petitioner is either represented by a proxy counsel or has remained absent on 07.08.2018, 18.09.2018, 14.12.2018, 22.02.2019, 26.04.2019, 31.05.2019, 27.09.2019, 12.12.2019, 06.04.2021 and 02.09.2021. After giving so many opportunities to the Petitioner, this Court vide order dated 19.05.2022, dismissed this case for non-prosecution.
2. It is seen from the records that the Petitioner filed restoration application on 08.05.2025 more than three years after its dismissal without any sufficient cause.
3. A perusal of the restoration application revealed that the present applicant seeking refuse in the change of Counsel and non-adherence of ethics by the earlier counsel, which seems to be an afterthought. Also, claim of covid impact for absence on 19.05.2022 is incomprehensible.
4. It seems that Petitioner after seeking stay from this Court is not very keen to pursue his matter and accordingly restoration application bearing case no. 104/2025 is rejected in terms of the above.
5. File be consigned to record room after completion.

**(PRASHANT GOYAL)
Financial Commissioner, Delhi**

Case No. 55 of 2024

29.08.2025

Present : Shri Rajeev Bhardwaj, Petitioner in person.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Asim Sreedhar, Counsel for R-2, Society.

1. Petitioner sought time to argue the matter on the next date of hearing as he is not fully prepared to argue today. Allowed.
2. On the last date of hearing i.e. on 07.08.2025, Final opportunity was given to both the Respondents to file reply and furnish copy to the Petitioner.
3. The Petitioner informed the Court that his present Petition is well within the limitation period, as the impugned order was passed on 28.11.2023 and he filed the revision petition on 29.02.2024.
4. The Respondents on the other hand contended that the present Petitioner has not come to his Court within the limitation period and also informed that he has no locus standi for seeking inquiry of Section 62, DCS Act as the inspection report has already been accepted and no cause of action remains at the Registrar office.
5. Both the Respondents are given one last final opportunity to file reply on the aspect of maintainability latest by 19.09.2025 with an advance copy to Petitioner.
6. Adj. to 10.10.2025.

**Financial Commissioner
Delhi**

Case No. 282 of 2024

Amit Kumar Vs. Keshav Sehkari Bank Ltd. & Ors.

29.08.2025

Present : Shri Rahul Nagpal, Counsel for Petitioner along with the Petitioner in person.

: Shri Rupak Srivastava, Counsel alongwith Shri Jitender Sharma, AR for R-1.

1. The Petitioner contended that he is neither a Principal Debtor nor a Surety. He further contended that he is not Principal Debtor/ Surety still his property has been attached.
2. The R-1 on the other hand, submitted the fact that the present petition is not maintainable as the Petitioner is neither a debtor nor a surety and hence, has no capacity to file the present revision against the recovery/ warrant of attachment. He also contended that the Petitioner is already before the DCT challenging the award. He further added that regarding the wrongful attachment of his property he may seek relief from a competent Civil Court.
3. R-2 has filed reply dated 28.08.2025 which is taken on record. R-2 has contended that '*the case is filed by Sh. Amit Kumar against execution case number 2488/2020-2021 (It is wrong case number). Loan of Rs.50 lacs was taken by Shri Vijay Shandilya from Keshav Sehkari Bank Ltd. Geeta Shandilya, Vinay Shandilya and Ms. Appli Coat Services Pvt. Ltd. stood surety. On default of payment, case was initiated by RCS. An Award dated 01.12.2021 was passed against Shri Vijay Shandilya where Keshav Sehkari Bank Ltd. was decree holder. Execution proceedings started with execution case number 2484/2021-2022.*

Shri Amit Kumar was not party in the Award. DCT appeal in this regard was disposed of as withdrawn. Since the

applicant was not party in this case, the case is not maintainable and hence may kindly be dismissed.'

4. Accordingly, the revision petition bearing no. 282/2024 is dismissed in terms of the above with liberty to approach appropriate forum.
5. File be consigned to record room after completion.

**(PRASHANT GOYAL)
Financial Commissioner
Delhi**

Case No. 01 of 2025

29.08.2025

Present : Shri Nalin Dhingra, Counsel for Appellant.
: Shri Naveen Bhardwaj, Counsel for R-1, Excise Department.

1. Heard both the sides.
2. The Appellant contended that the total seat allotted to the Annamaya Restaurant is 270 and the Juniper Hotel is a part of the 'Anamaya' restaurant, located in the same premise. He mentioned that the premises of so-called Juniper Hotel is sub-part of the licenced premises and there is no physical demarcation between Annamaya Restaurant and Juniper Hotel. Further, all billing is in name of Annamaya restaurant only. The Juniper Ltd. company is the owner of Annamaya restaurant. He however admitted to the fact of having expired beer bottles in the premises on the date of inspection, as also to maintaining two counter although only one was legally permissible.
3. The Respondent, Excise Department contended that both the units were separate entities and no bills were provided to the inspection team.
4. Both the parties are directed to file written submissions in brief latest by 15.09.2025, whereafter the orders shall be passed based on the documents available on record.
5. Case is reserved for pronouncement of orders on 06.10.2025.

**Financial Commissioner
Delhi**

Case No. 57 of 2010

29.08.2025

Present : Shri Sandeep Kumar, Counsel for Petitioner.
: Shri Ramnee Mishra and Shri Abhinav Singh, Counsels for R-3, DCHFC.
: Shri Rahul, Vice President for R-2, Society.

1. Partly heard.
2. Counsel for Petitioner stated that when he made all payment a fact not disputed by DCHFC, then how can DCHFC attach his flat. He also submitted two Orders of this Court dated 17.11.2011 and of 16.05.2013 wherein it is mentioned that the Registrar can impose a penalty of attachment on only those members of the Society who have been remiss in paying their dues timely to the DCHFC through the Society.
3. R-3 submitted that the matter is under consideration of the Hon'ble Supreme Court of India. The Counsel for Petitioner produced a copy of High Court of Allahabad on the principle of precedent and of stare decisis.
4. R-3 may apprise this Court on the status of the case in the Hon'ble Apex Court on the next date of hearing and why this Court should wait for decision of the Apex Court in view of the directions of Hon'ble High Court in WP(C) 1965/2023 & CM APPL 7517/2023.
5. Representative of R-2, Society submitted that society cannot mortgage a flat without the consent of the flat owner, but is unaware of the terms and conditions of the loan agreement made by previous MC.
6. Both the parties are directed to file their written submissions latest by 19.09.2025.
7. Adj. to 09.10.2025 for further arguments.

**Financial Commissioner
Delhi**

Case No. 61 of 2025

29.08.2025

Present : Shri Irshad Khan, Counsel for Petitioner.
: None for Respondent.

1. Counsel for Petitioner sought time as the arguing counsel is not available. Allowed as a one final opportunity. The petitioner is directed to come prepared and present his case adequately failing which, the case shall be dismissed for non-prosecution.
2. It is seen from the records that the case is still pending in the Court of Dy. Commissioner, (North, Alipur). The SDM concerned has dropped the proceedings under Section 81 of DLR Act on 05.03.2018.
3. None appeared for the Respondent, DC. Issue notice to the DC (North) through Divisional Commissioner to appear and file reply.
4. Adj. to 29.10.2025.

**Financial Commissioner
Delhi**

Case No. 100 of 2025

29.08.2025

Present : Shri Shrenik Bhardwaj, Proxy Counsel for Petitioner.
: Shri Vinay Chaurasia, Counsel for R-3 Society.

1. Petitioner is represented by the Proxy Counsel who sought time to seek records from the Society. Request is Allowed with a direction to come prepared to lead his case on the next date of hearing.
2. Adj. to 03.10.2025.

**Financial Commissioner
Delhi**

Case No. 102 of 2025

29.08.2025

Present : Shri Yogesh Kumar, Counsel for Petitioner.
: None for Respondents.

1. Counsel for Petitioner contended that Petitioner is no longer in his contact and requested to discharge him from the case.
2. Issue notice to the Petitioner to appear and lead his case failing which, the case shall be dismissed for non-prosecution. Issue notices to R-1 and R-2 to be present in person or through their Counsel on the next date of hearing.
3. Adj. to 15.09.2025.

**Financial Commissioner
Delhi**

Case No. 253 of 2024

29.08.2025

Present : Shri Sandeep Kumar, Counsel for Petitioner.
: Shri Naveen Bhardwaj, Counsel for R-1, RCS.

1. Partly heard.
2. The Counsel for the petitioner informed that Special Auditor has been appointed for conduct of special audit for the period from 2016-17 to 2020-21 vide order dated 09.03.2023 without any notice to the petitioner, society, which is non-compliance of Rule 80 of DCS Rules.
3. Counsel for R-1, RCS sought time to seek instructions from the Department on the point of violation of Section 80. Allowed with the direction to file specific reply with an advance copy to the Petitioner. He further submitted that the Special Audit is already over. Also, the writ petition of the present petitioner, society was dismissed by the Hon'ble High Court of Delhi vide its order dated 10.09.2024 on the grounds that
 - i. *"Learned Counsel for the respondent no. 1 to 4 states that the order dated 23rd January, 2024 passed by the respondent no. 2 stands fully complied with. He further states that the records have been seized on 4th September, 2024 and handed over to the auditor appointed by the RCS for the purposes of conducting special audit.*
 - ii. *In view of the aforesaid statements, the present petition is disposed of as satisfied."*

4. The counsel for petitioner furnished a copy of order of RCS dt. 21.07.2025 wherein another Special Auditor has been apprised for the period of 2016-17 to 2020-21. Under the circumstances he questioned the claim of counsel of RCS that the Special Audit is already over.
5. Both the parties are directed to come prepared for arguments on the next date of hearing.
6. Adj. to 26.09.2025.

**Financial Commissioner
Delhi**