

Case No. 56 of 2025

DCHFC Ltd. Vs. RCS & Anr.

11.09.2025

Present : Shri Prateek Vaish, Counsel along with Shri L.G.
Bhardwaj, CAE for Petitioner.
: Shri Harish Kumar Mehra, Counsel for R-2, Society.

1. Vide separate order, the case is disposed of.
2. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 126 of 2025

11.09.2025

Present : Shri Nikhil Dhull, Counsel for Petitioner alongwith
Dharamvir Rana, Petitioner in person.

1. The Petitioner has filed proof of service of notice served upon R-1 to R-3.
2. Issue notices to Respondents through this court.
3. Adj. to 08.10.2025 for arguments on maintainability aspect.

**Financial Commissioner
Delhi**

Case No. 106 of 2025

**General Body Members of Jatav CGHS Ltd.
Vs.
RCS & Ors.**

11.09.2025

Present : Ms. Shweta Goswami, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.

1. The Petitioner contended that two members i.e. Anil Wahi (Treasurer) & Usha Gupta of the Managing Committee of Jatav CGHS Ltd. resigned and consequent thereon the MC had to accept their resignation. Instead the President directly approached the RCS vide his letter dated 01.04.2025 requesting therein to appoint Returning Officer due to resignation of two members from M.C. out of five. She claimed that the M.C. still has term left. However, she could not produce any document of M.C. rejecting the acceptance of resignation letters.
2. Accordingly, the Petitioner sought to set aside the impugned order dated 11.04.2025 passed by RCS whereby Ashok Kumar Gupta (Retd.SDM) was appointed as Administrator-cum-Returning Officer (R-3 herein) in the said society to look after the day-to-day affairs of society and to conduct election of the M.C. within 90 days. She also contended that although 90 days are over the election process is yet to be completed.
3. R-1, RCS submitted that as per model bye laws of DCS Act & Rules, the MC shall consist of at least 05 members of the society. Therefore, R-1, RCS appointed Administrator under Section 35(5) of DCS Act, 2003 vide order dated 11.04.2025 when the members fell below 5 and the President intimated the fact to RCS.

4. The fact is that even if the resignation was not accepted by the M.C. as required by law, the Administrator stands appointed.
5. Hence, R-3 is directed to conduct and complete the election and submit a compliance report with an advance copy to the RCS within a period of two months from today. For any delay, the R-3 shall be liable for costs.
6. Accordingly, the revision petition No.106/2025 is disposed of in terms of the above.
7. As requested by the Counsel for Petitioner, copy of this order be given dasti and the Petitioner to serve it on R-3 by Friday of this week.
8. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 176 of 2025

Ghalib Memorial CGHS Ltd. Vs. RCS & Anr.

11.09.2025

Present : Shri Harish Kumar Mehra, Counsel for Petitioner Society.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Sandeep Kumar, Counsel for R-2.

1. Heard the parties.
2. The Petitioner society expelled R-2 from the membership of the Society Ghalib Memorial CGHS Ltd. in its meeting held on 11.01.2025 on the basis of fictitious certificate of payments which were issued by him on 27.08.2018 as then President of the Society.
3. The Petitioner society stated that the said expulsion was required to be approved by R-1 within a period of 180 days from the date of submission on 23.01.2025, which stood expired on 22.07.2025 and requested to quash notice dated 28.07.2025 and impugned order dated 11.08.2025 issued by Registrar of Cooperative Society being in contravention of Section 86(3) & (4) of DCS Act and a violation of Rule 99(3) & (4) of the DCS Rules, 2007.
4. R-2 cited Rule 99 (1) & (2) of the DCS Rules, 2007 contending that the Petitioner society did not follow the due process of law required to expel a member, in this case. R-2 from the membership of the society. He further contended that the present matter is not maintainable before this Court in purview of Section 86 (4) of the DCS Act and should be pursued in DCT.
5. The Petitioner could not produce any documents to show that the process as per Rules 99(1) and 99(2) has been indeed complied with in letter and spirit. Further, since there is no inconsistency between Rules 99(1) & 99(2), and corresponding Section,

rather the Rules are in full harmony and consistent with the corresponding Section. Hence, they are to be read as a continuum or extension of Section 86 (4) of DCS Act which reads as '*any party aggrieved by the order of Registrar or deemed approval of expulsion, as the case may be, under sub section (3) may, within sixty days from the date of such order, appeal to the Tribunal*' to give full effect to the legislature intent in drafting Delhi Cooperatives Societies Rules, 2007.

6. Hence, Petitioner who has not complied with a technical process can't seek to claim the subsequent process by RCS as contravention of law.
7. The interests of justice would be served if the Registrar of Cooperative Society addresses the pending issue before it in a time bound manner. A time of within thirty days from the date of this order is given to RCS to decide on the matter. Accordingly, the matter is remanded back to the Registrar of Cooperative Society for necessary action as per law after giving adequate opportunity of hearing to the concerned parties. Petitioner is directed to approach the Registrar of Cooperative Society with facts and circumstances of the case within next one week. The present case is disposed of in terms of the above.
8. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 121 of 2025

Pawan Bajaj Vs. RCS & Anr.

11.09.2025

Present : Shri Manish Kumar, Counsel for Applicant.
: Ms. Vasu Singh, Counsel along with Shri Avdesh,
Proxy Counsel for R-1, RCS.
: Shri Shivam, Proxy Counsel for R-2.

1. Heard the parties.
2. The applicant herein is aggrieved by the fact that his appeal titled as '**Pawan Bajaj Vs. Pleasure Garden Chandni Chowk Co-operative House Building Society Ltd.**' is pending since 04.09.2024 before the Registrar of Cooperative Society.
3. Applicant has filed an application seeking directions in to RCS to dispose of the matter pending before it.
4. R-1, RCS filed reply which is taken on record wherein it is stated that transfer of share certificate/ membership in respect of the shops does not fall under the jurisdiction of this office and only memberships matter related to plot or flat should be dealt in U/s 91 of DCS Act, 2003.
5. The interests of justice would however be served if the Registrar of Cooperative Society address the pending appeal before it in a time bound manner. Accordingly, within thirty days from the date of this order the RCS shall dispose of the appeal. The matter is remanded back to the Registrar of Cooperative Society for necessary action as per law after giving adequate opportunity of hearing to the concerned parties. Applicant is directed to appear in person before the Registrar of Cooperative Society on 18.09.2025. The present case is disposed of in terms of the above.
6. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 95 & 96 of 2025

11.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner in both cases.
: Shri R.P. Sahu, Counsel for R-1, Society in both cases.
: Shri Vinod Panwar, Representative for R-2.
: Ms. Vasu Singh, Counsel for R-5, RCS.

1. Petitioner filed present revision petition under Section 116 of Delhi Cooperatives Societies Rules, 2003 against the impugned salary attachment order dated 25.03.2025 in case no. 95/2025 passed by the Assistant Collector, Gr.I, RCS, Delhi.
2. It is seen from the records that Award was passed on 18.08.2023 in case no. 95/2025 and Petitioner preferred his petition before this Court on 24.04.2025 and not before DCT. Petitioner Rajiev Gupta took loan of Rs.4,00,000/- from the Society in case no. 95/2025 and Petitioner Babita w/o Rajiev Gupta took loan of Rs.3,50,000/- from Society in case no. 96/2025 and Rs. 1,00,000/- had already been deducted through salary attachment of both the Petitioners.
3. Partly heard the Petitioner. Petitioner is directed to provide copy of salary statement and amount deducted from her as yet on the next date of hearing with advance copy to the Respondents.
4. RCS is directed to come fully prepared for arguments on the next date of hearing.
5. R-2, one of the surety appeared and filed reply and also sought adjournment as the counsel is out of station.

6. Ld. Counsel for R-1 submitted Petitioners had paid only six instalments till now. R-1 also filed account statement in respect of both the Petitioners.
7. Adj. to 17.10.2025 for arguments. The parties would come fully prepared with statement on amount already deducted, retained by RCS, paid to Society, and case laws, if any to support their contention on the interest rate chargeable.

**Financial Commissioner
Delhi**

Case No. 298 of 2024

11.09.2025

Present : Ms. Sanchi Chopra, Counsel for Appellants.
 : Ms. Vasu Singh, Counsel for R-1, RCS.
 : Shri Simrat Singh, Counsel for R-2, Society.

1. Counsel for Appellants contended that the present appeal is filed under Section 112 of the Delhi Cooperative Societies Act, 2003 to set aside the Inspection Report dated 21.08.2023 submitted by the Inquiry Officer appointed by the RCS/R-1 vide order dated 30.05.2023 in lieu of directions of the Hon'ble High Court of Delhi in WP (C) No. 5521/2023 vide order dated 22.05.2023.
2. R-2 contended that while withdrawing its WP (C) No. 8848/2023 before the Hon'ble High Court of Delhi, the Appellants were granted liberty to approach the RCS to redress their perceived allegations. Pertinently, the Appellants firstly filed an appeal bearing No. 81/2024 before this Court which was withdrawn by the appellants in the light of inconsistencies pointed out and subsequently once again approached this Court instead of filing an appropriate proceeding before RCS in terms of liberty granted by the Hon'ble High Court of Delhi in WP (C) No. 8848/2023 vide order dated 29.02.2024.
3. R-1, RCS filed reply dated 23.04.2025 wherein the representation dated 23.07.2024 submitted by appellants under Section 62 & 37 of the DCS Act, 2003 against law circumvention of disputed on the ground of Inspection Officer did not recommend any further inquiry u/s 62 of DCS Act, 2023.
4. Petitioner undertook to file rejoinder before the next date of hearing and is directed to file copy of the representation made before the RCS contending the deficiencies in the inspection report and the decision of RCS thereon on the next date of hearing.

5. RCS is directed come prepared to lead the case on the next date of hearing.
6. Adj. to 30.10.2025.

**Financial Commissioner
Delhi**

Case No. 337 of 2024

***Samar Hospital
Vs.
Directorate General of Health Services and Anr.***

11.09.2025

Present : Shri Sanjeev Chopra, Counsel for Appellants.
 : Ms. Akansha Singh, Proxy Counsel alongwith Shri
 Lalit Kumar, Section Officer for Respondent, DGHS.

1. Heard the Parties.
2. Appellant contended that the present appeal has been filed against the impugned order dated 22.10.2024 whereby the renewal of the registration of the Nursing Home was rejected. Fire safety certificate dated 04.06.2025 for the Hospital was submitted before this Court which is taken on record.
3. Respondent, DGHS contended that the cancellation of registration was justified well within framework of law and necessary to prevent risk to public health and safety. Reply of Respondent, DGHS is already on record.
4. The Nursing Home is running since 14.11.2017 and if deficiencies stand removed nothing would be achieved, if it is closed down temporarily and it approaches DGHS for fresh licence. The present case being a matter of public welfare and considering the mitigating circumstances, petitioner is directed to approach the DGHS within one week from today alongwith the complete checklist of DGHS required to register a Nursing Home.
5. Subject to Petitioner appearing before DGHS within a week from today, the Respondent, DGHS would hear the Petitioner on merits on allowing or otherwise of registration preferably and pass a speaking order

within one month from the date of filing of the representation by the Petitioner. The DGHS would be free to impose any appropriate penalty, as per law on petitioner for delay in complying with the required norms and compromising public safety. Till the passing of order by the DGHS, no coercive action be taken qua the Petitioner.

6. This appeal is allowed to this extent and the case bearing no. 337/2024 titled ***Samar Hospital Vs. Directorate General of Health Services and Anr.*** is disposed of.
7. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner,
Delhi

Case No. 171 of 2024

11.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Bipul Kumar Mishra, Counsel for R-2, Society.

1. Partly heard the arguments.
2. Counsel for Petitioner contended that the petitioner being the principal debtor in a loan of Rs. 3 lakhs from the R-2, Society, has already paid the 56 instalments for the said amount and sought the statements of accounts from the R-2, Society and from the Assistant Collector concerned of amount already recovered. Respondents are directed to provide the same before the next date of hearing. The petitioner will also furnish copy of amounts deducted from him as yet. The petitioner will also furnish judgments on rate of interest that can be levied.
3. Counsel for R-1, RCS is directed to file reply with an advance copy to the Petitioner before the next date of hearing. RCS would also furnish norms regarding the extent of interest that can be levied by a Thrift & Credit Society, and rationale of levy by RCS on the recovered amount.
4. Reply of R-2, Society already on record.
5. Accordingly, both the parties are directed to come prepared for arguments with appropriate facts and figures of the case on the next date of hearing.
6. Adj. to 24.10.2025 for further arguments.

**Financial Commissioner
Delhi**

Case No. 237 of 2024

11.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1. RCS.

1. Counsel for Petitioner submitted that a typographical error was made in the revision petition and requested to amend the revision petition before the next date of hearing with an advance copy to all the Respondents for filing their replies. Allowed.
2. None appeared for the R-2 and R-3. Issue notice to appear and lead the case on the next date of hearing.
3. Adj. to 31.10.2025.

**Financial Commissioner
Delhi**