

Jai Lakshmi CGHS & Ors.
Vs.
RCS & Ors.

25.09.2025

Present : Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri C.S. Gupta, Counsel for R-3, R-4 & R-7.

1. None appeared for Appellants.
2. Counsel for R-3, R-4 & R-7 contended that he has obtained the entire certified copy of petition. However, Counsel for RCS contended that this Court directed Petitioner to supply the copy of petition to the Respondents but she has received incomplete copy of Petition.
3. Counsel for R-3, R-4 & R-7 objected to the locus of the Petitioner and contended that an Ex-Administrator cannot file the case on behalf of the Society when new Administrator is already functioning. It is further submitted that this Court has no jurisdiction to hear appeal filed since under Section 112 (d) and (m) of the DCS Act appeal lies before the DCT.
4. Arguments on behalf of the Counsel for RCS and Counsel of R-3, R-4 & R-7 were heard on merits. The argument cannot be disputed as they flow from the express provision of the Delhi Cooperative Societies Act, 2003.
5. It seems that the Appellants are not interested to pursue their matter diligently. The arguments of Respondents not disputed by Counsel of RCS. Accordingly, the Revision Petition No. 170/2025 titled '**Jai Lakshmi CGHS & Ors.**
Vs. RCS & Ors.' is dismissed.
6. File be consigned to record room after completion.

25.09.2025

Present : Ms. Shivani, Proxy Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for Respondent, RCS.

1. The case is represented by a Proxy Counsel today.
2. Proxy Counsel for Petitioner sought time as the matter is pending before the Hon'ble High Court of Delhi for 29.10.2025. Even, on the last date of hearing i.e. 14.08.2025, Counsel for Petitioner sought time. Proxy Counsel is unable to explain that if the matter is before the Hon'ble High Court, why the Petitioner in parallel has approached this forum.
3. Counsel for RCS contended that she has still not received the copy of petition.
4. The Counsel for Petitioner is repeatedly not coming and Proxy Counsel is appearing. Final opportunity is given to the Petitioner with a cost of Rs. 10,000/- to be paid to the DDO, General Administration Department, Govt. of NCT of Delhi before the next date of hearing. Proxy Counsel for Petitioner is further directed to provide the copy of the petition to the Respondent before the next date of hearing and come prepared to lead their case.
5. Adj. to 31.10.2025 for arguments.

**Financial Commissioner
Delhi**

Case No. 02 of 2025

25.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner in both cases.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar, Section Officer for R-1, RCS.
: Ms. Shweta, Proxy Counsel for R-2, T/C Society in both cases.

1. Partly heard both the sides.
2. The petitioner claims that he reached a settlement with the society prior to covid and is fully willing to honour. The Petitioner is directed to pay the full amount accordingly to the R-2, Society before the next date of hearing and come up with a copy of settlement agreement that had been reached and amounts paid to the Society as yet on the next date of hearing.
3. Proxy Counsel for R-2, Society is directed to file the affidavit regarding the efforts to made for out of court settlement and apprise the status of the same on the next date of hearing. Society will also furnish an affidavit of how interest has been calculated and a schedule of payments drawn. It will also give a statement of how much has been received from borrower as yet.
4. Counsel for R-1, RCS is directed to explain the clear procedural guidelines with regard to such matters for recovery of loan extended by Cooperative Societies. Counsel for RCS to clarify how society received payment directly after initiating recovery proceedings with the RCS.
5. Adj. to 07.11.2025 for arguments.

25.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner in both cases.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar, Section Officer for R-1, RCS.
: Ms. Shweta, Proxy Counsel for R-2, T/C Society in both cases.

1. Partly heard both the sides.
2. The petitioner accepted that he has reached settlement but not paid anything as yet in the case. He was however willing to settle the outstanding amount accordingly.
3. The Counsel for Petitioner is directed to pay the full amount accordingly to the R-2, Society before the next date of hearing and come up with a copy of settlement agreement and amounts paid on the next date of hearing.
4. Proxy Counsel for R-2, Society is directed to file the affidavit regarding the efforts to made for out of court settlement and apprise the status of the same on the next date of hearing. Society will also furnish an affidavit of how interest has been calculated and a schedule of payments drawn. It will also give a statement of how much has been received from borrower, as yet.
5. Counsel for R-1, RCS is directed to explain the clear procedural guidelines with regard to such matter for recovery of loan extended by Cooperative Societies. Counsel for RCS to also clarify how society received payment directly from borrower after initiating recovery proceedings with the RCS.
6. Adj. to 07.11.2025 for arguments.

25.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar, Section Officer for R-1, RCS.

1. Partly heard both the sides.
2. Counsel for Petitioner is directed to file the proof of payments and a statement on how much loan amount he has paid (date wise) till date.
3. Counsel for R-1, RCS filed reply with a copy to the petitioner. R-1, RCS agreed that there is no laid out procedure on how such dues have to be settled in cases of delay or default in payment. RCS will file a statement of recovered amount, if any, routed through the recovery officer.
4. None appeared for R-2, T/C Society. Issue notice with a cost of Rs. 5000/- to be deposited in the GAD, GNCTD and with the last opportunity to the R-2 to appear and lead the case on the next date of hearing.
5. None appeared for other remaining respondents. Issue notices to all the remaining respondents to appear and lead the case on the next date of hearing.
6. Adj. to 07.11.2025 for further arguments.

**Financial Commissioner
Delhi**

25.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner in both cases.
: Shri Suresh Agarwal, Counsel for R-1, T/C Society.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar, Section Officer for R-5, RCS.

1. Counsel for Petitioner sought detailed statement of accounts from the R-1.
2. Counsel for R-1, T/C Society filed its reply and copy of the same is given to the petitioner and Society undertook to supply the same to the R-5, RCS also in the meantime.
3. R-1 is directed to supply detailed statements of account of loan extended, amount received and outstanding amount with basis of calculating it. R-1 to also file a copy of loan agreement signed. The Petitioner is also directed to provide the details of how much amount he has paid till date to Society directly or through the RCS.
4. Adj. to 07.11.2025 for further arguments.

**Financial Commissioner
Delhi**

25.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Shri Bijender Kumar, A.R. of R-1, Society.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar, S.O. for R-7, ARCS.

1. The Petitioner contended that R-2 is the principal borrower in this case and the Petitioner is the surety of loan.
2. Petitioner contended that he served copy of petition upon the R-1, Society and also filed copy of proof of service through speed post and the same is taken on record. R-1 submitted that he has received only copy of notice from the Petitioner. Petitioner is directed to provide a copy of the petition to R-1 today in the court itself.
3. Petitioner is also directed to furnish a copy of guidelines of RBI regarding rate of interest.
4. R-7, RCS is directed to file reply with advance copy to the Petitioner before the next date of hearing.
5. Interim orders to continue till the next date of hearing.
6. As requested, copy of this order be given dasti to the Counsel for Petitioner.
7. Adj. to 07.11.2025 for arguments.

**Financial Commissioner,
Delhi**

25.09.2025

Present : Shri Vijay Prasad, Counsel for Petitioner.
: Shri Akshay Bhardwaj, Counsel for R-1, Society.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar, S.O. for R-2, RCS.

1. The Petitioner contended that all the loans taken by him during the year 2000 or 2001 has been cleared and nothing is due towards him. Petitioner also contended that the R-1, Society has not provided him details of other loans taken from the society. The Petitioner further contended that the requisite documents filed before this court were obtained through RTI application.
2. R-1 submitted that payment of loan was not being made by the Petitioner. Further, R-1 filed copy of judgment dated 04.03.2024 passed by Addl.Sessions Judge-04, Patiala House Courts in the matter of "*Mohinder Pal Singh Vs. The State and Others*" whereby the revision filed by the Petitioner herein was dismissed being devoid of any merit.
3. R-1 is directed to file statement of accounts of loan and amount recovered till date with advance copy of the same to the Petitioner & R-2, RCS before the next date of hearing. R-1 will also clarify how interest rate levied on the Petitioner has been worked out.
4. Final opportunity is given to the R-2, RCS to file reply and supply copy to the parties before the next date of hearing.
5. Adj. to 07.11.2025 for arguments.

**Financial Commissioner,
Delhi**

25.09.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Shri Sandeep Kumar, Counsel for R-1, Society.
: Shri Rohit, Assistant from R-3, Dr.BSA Hospital, Rohini.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar, S.O. for R-4, RCS.

1. The Petitioner contended that the Petitioner herein is the surety of principal debtor. The only issue is that the certificate of recovery was issued when the principal debtor (Prem Kumar Jha) was alive in 2022 but since he died in August 2024, the LRs of deceased should have been mandatorily made as a party in the recovery certificate. Petitioner contended that LRs of deceased principal debtor was not made party in the execution case of recovery. Petitioner further contended that the recovery certificate is accordingly defective and the same should be amended by the recovery officer. R-1 rebutted that the Petitioner never brought the issue before RCS and hence there was no occasion to include names of LRs.
2. R-3 clarified that only pension and gratuity has been released to legal heirs of deceased. He also filed copy of Pension Payment Order & Gratuity in respect of the principal debtor and the same are taken on record. Copy of the same is provided to the Petitioner and R-4, RCS. On the next date of hearing, he will also file an affidavit that no other payment has been released to LRs of deceased.
3. The Counsel for R-1 produced Hon'ble Supreme Court judgment in WPC No.44/2024, dated 03.01.2024 titled "*Mahender Singh Vs. The Delhi State Co-operative Bank Ltd.*" which brings out his rights to pursue recovery from the principal debtor or his sureties, as per lender's discretion. Further, he added that even if LRs have not been impleaded as party in the recovery certificate, they are deemed to have been so included. This court is inclined to accept that version and mere non-impleading for LRs of deceased formally is not a ground for surety to avoid his liability.

4. R-4, RCS submitted that the RCS did not receive copy of the petition as yet. The Petitioner is directed to provide copy of petition to the R-4, RCS within next 3 days.
5. R-4, RCS is directed to file its reply with advance copy to the Petitioner before the next date of hearing.
6. Adj. to 07.11.2025 for arguments.



**Financial Commissioner,
Delhi**