

09.10.2025

Present : Shri Sandeep Kumar, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Kapil, S.A. for Respondent, RCS.
: Dr. R. Ramachandran, R-4, Representative for all the members of M.C.

1. Counsel for Petitioner contended that an application had been filed by Petitioner for grant of prosecution sanction against the members of the R-2, Ex-Managing Committee, for the period 2011-14 and 2014-17 for violations of DCS Acts and Rules, not diligently doing their duties entrusted to them as point by the inquiry officer's report dated 29.06.2021 and 06.05.2022 before the RCS. The RCS vide order dated 27.12.2024 held that the then Managing Committee is liable to be prosecuted and granted sanction of prosecution against the Respondents for tampering the minutes of the SGBM and audit report for the year 2013-14 and other irregularities. The RCS vide corrigendum dated 16.05.2025 partially modified the word "respondents" as "respondents" i.e. Shri Sondeep Shankar, Shri Brij Lal Bhardwaj, Ms. Rita Manchanda, Shri Girija Shankar Kaura and Mr. Sanjay Jha.
2. Aggrieved by the corrigendum dated 16.05.2025, Counsel for Petitioner filed the present revision petition under Section 116 of Delhi Cooperatives Societies Act, 2003 for quashing and set aside the corrigendum dated 16.05.2025 being in violation of principle of natural justice (Petitioner not given any opportunity), devoid of any reasoning and contrary to the inquiry reports on record and prayed for upholding the order dated 27.12.2024 passed by the RCS without dilution of findings or culpability.
3. Representative for Respondent submitted that the present revision petition is barred by limitation as the statutory period of 90 days expired on 14.08.2025 but petition filed

on 03.09.2025 and further submitted that the present revision petition is non-maintainable as the impugned corrigendum dated 16.05.2025 is not a substantive order but merely a clerical rectification issued to correct an evident factual error.

4. Counsel for R-1 RCS submitted that such a summary order it should not have been done as seems apparently. However, this is only a clerical error that was corrected as per Section 123 and as per Section 152 of CPC.
5. Keeping in view the above facts and circumstances, the matter is accordingly remanded back to the RCS with direction to hear the parties and pass a speaking and reasoned order within a period of three months from the date of this order.
6. The revision petition bearing no. 179/2025 is disposed of in terms of the above.
7. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

09.10.2025

Present : Shri Sandeep Kumar, Counsel for Petitioners.
: Ms. Vasu Singh, Counsel along with Shri Kapil, S.A.
for R-1, RCS.
: Shri Utsav Garg, Counsel for R-2 along with Shri
Umesh Joshi, R-2 in person.

1. Counsel for Petitioner contended that Respondent, RCS has passed the order without application of mind but solely on the basis of the inquiry report of Inquiry officer namely Shri M.C. Jha and Shri Vinay Kaushik under section 66(1) of Delhi Cooperatives Societies Act, 2003, without giving an opportunity to P-1 & P-2 of being heard. Counsel further contended that both the inquiry reports are ex-parte as P-1 & P-2 have already sold their flats and they did not receive any notice/ summons from the inquiry officers. Counsel for Petitioner pressed to provide entire record of both the inquiries conducted by the inquiry officers.
2. Counsel for R-2 brought the attention of this Court to letter dated 20.02.2023 written to Respondent, RCS wherein it was clearly mentioned that they have received the copy of the committee reports through an email. Counsel also contended that Petitioners were given full opportunity to file their reply but they neither appeared nor filed any reply.
3. Counsel for R-1, RCS pointed out to the provision of Section 112 (1) (h) related to surcharge under sub section 2 of Section 66 of DCS Act, 2003. She also brought the attention of this Court to Rule 82(5) of DCS Rules 2007 regarding authority of the Registrar to apportion cost of the inquiry/ inspection amongst the parties after giving reasonable opportunity to the person(s) concerned.

4. The Counsel for RCS is directed to file reply to the petition before the next date of hearing with an advance copy to the parties concerned.
5. The Petitioners (erstwhile members of the MC of the society) and RCS are directed to come prepared for arguments on the next date of hearing.
6. Adj. to 13.11.2025.



**Financial Commissioner
Delhi**

09.10.2025

Present : Shri Ashim Shridhar, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Aman Singh, Proxy Counsel for R-2 to R-4.

1. Counsel for Petitioner society contended that Petitioner is aggrieved by the fraudulent complaint made by R-2 to R-4 against the Petitioner, Society under Section 61 of the Act. Interestingly all the complaints made by R-2 to R-4 regarding misappropriation of finances, non-presentation of budgets by the Petitioner, deficiencies in internal financial control and falsification/ tampering with minute books by the Petitioner Society were filed on a similar pattern. Further, Counsel for Petitioner sought time to argue the matter on the next date of hearing as he is not fully prepared today.
2. Respondent RCS filed reply, which is taken on record and copy of the same is supplied to the Petitioner.
3. Adj. to 04.12.2025 for arguments.

**Financial Commissioner
Delhi**

Case No. 49 of 2025

09.10.2025

Present : Shri Pankaj Gautam, Proxy Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Amit Kumar, ASO for R-2, LNH.

1. Proxy Counsel for Petitioner filed amended memo of parties and stated that the main counsel is not available as he is busy in other court. He stated that the petitioner is ready to pay the balance amount of loan.
2. A costs of Rs.1,000/- is imposed on the counsel which is to be deducted from the fee of the counsel and to be deposited with DDO, General Admn. Department (GAD), GNCTD, Delhi Sectt., New Delhi. The proof of the same be submitted before the next date of hearing.
3. Departmental representative for R-2, Lok Nayak Hospital submitted that all the documents regarding release of all dues (pension, gratuity etc.) have been submitted to concerned PAO for releasing pension and gratuity benefits to the petitioner.
4. The Petitioner is ready to settle his dues. Accordingly, the parties are advised to attempt to settle the issue out of court, before the next date of hearing.
5. Adj. to 31.10.2025.

**Financial Commissioner
Delhi**

09.10.2025

Present : Ms. Astha Joshi, Counsel for Petitioner.
: Shri Sandeep Kumar, Counsel for R-1.
: Ms. Vasu Singh, Counsel alongwith Shri Sandeep Kumar Sr. Asstt. for R-2, RCS.

1. Heard all the parties at length.
2. Counsel for Petitioner filed written submissions, replication to the reply of R-2 and citations of Hon'ble High Court and shared copy of the same with opposite parties.
3. The present revision petition has been filed by the Petitioner Society u/s 116 of the DCS Act, 2003 against the impugned order dated 03.04.2025 passed by the Addl. RCS whereby the Society was directed to transfer membership in the name of respondent no.1 herein.
4. Counsel for Petitioner stated that R-1 purchased a flat in the Society in 2022 and applied for membership in March, 2024. After perusing the documents, the Society came to know that wife of R-1 is a member of Unique CGHS and owns a flat in that Society. The Society sought guidance of RCS as to whether the R-1 can be granted membership or not in view of the provisions of Rule 20(1) (C) of DCS Act. The Asstt. Registrar vide letter dated 30.07.2024 stated that R-1 cannot be granted membership as it is a case of disqualification of membership. Thereafter, the wife of R-1 surrendered her membership in Unique Insurance CGHS Ltd. R-1 again applied for membership in Society vide application dt. 24.10.2024 and had written a letter dt. 07.10.2024 to Asstt. Registrar, RCS seeking clarification whether he is eligible for membership under Section 91 of the Act. The Asstt. Registrar vide letter dt. 7.10.2024 decided the issue of membership u/s 91 of the Act stating that R-1 is now eligible for membership. It is contended that Petitioner Society was not given an opportunity to present their case before the ARCS. R-1 filed his 2nd application post surrendering his spouse's membership.

5. Counsel for petitioner contended that question of parking was not raised and only the membership issue was raised. No explanation was sought in the parking issue. The appointment of observer is also challenged by the petitioner. Wife of R-1 is member of Unique CGHS and the eligibility has to be seen from the date of application.
6. Counsel for R-1 stated that owner of flat no.271 i.e. President of Society has got transferred the parking no.16, originally allotted to member of flat no.231 (R-1 herein). Counsel further stated that Rule 20 is applicable for primary membership only and R-1 purchased the property in Unique CGHS from the market and hence no Rule-20 is applicable and are governed by Section 91 of the DCS Act. Hence, there is no disqualification if the property has been purchased from the market.
7. Counsel for RCS contended that Rule 20 of the DCS Rule applies to primary membership and the impugned order dt. 03.04.2025 has been passed by the Addl. RCS invoking Section 91 of the DCS Act and the same is legally valid.
8. Both sides submitted that their written submissions are already on record.
9. Accordingly, the case is reserved for pronouncement of order on 20.11.2025.

**Financial Commissioner
Delhi**

Case No. 105 of 2025

09.10.2025

Present : Shri Rajiv Vig, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Pradeep Dahiya, Counsel for R-3 & 4.

1. As directed, the Counsel for Petitioner filed amended memo of parties, which is taken on record.
2. The Counsel for R-3 & R-4 informed that he has already filed reply for R-3 and the same may be treated as a reply for both respondents, i.e. R-3 and R-4. Counsel for the Petitioner undertook to file rejoinder to the same, before the next date of hearing.
3. Counsel for Petitioner stated that the reply of RCS is still pending. Counsel for R-1, RCS sought time to file the same.
4. R-1, RCS is directed to file reply within a week failing which a costs of Rs.5,000/- shall be imposed.
5. Adj. to 20.11.2025.

**Financial Commissioner
Delhi**

09.10.2025

Present : Shri Vikas Pakhdey, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Munish Kumar Sachdeva, R-2 in Person.

1. The Counsel for Petitioner contended that the order dated 17.04.2025 was passed by the predecessor of this Court in the absence of Petitioner herein and the Administrator who appeared on behalf of the Society withdrew the Revision Petition No. 319/2024, whereas it had already been directed to file amended memo of parties making the Petitioner as sole Petitioner. Counsel for Petitioner further contended that he is aggrieved with the order dated 30.08.2024 passed by the Assistant Registrar whereby a fine/penalty of Rs. 10000/- was imposed upon the President/Secretary of erstwhile Managing Committee of Respondent Society which is recoverable from his personal pocket of the erstwhile committee members of concerned Information Officer.
2. This Court queried to the Counsel for R-1, RCS as to why the penalty was imposed upon the Petitioner in personal capacity. Counsel of R-1 undertook to file reply on this aspect also.
3. R-2 filed written submissions on the maintainability of the review petition (bearing no. 122/2025) wherein he submitted that the Petitioner has become a non-entity and now remains only a member of the society, while R-2 has assumed office as Secretary of the Society elections held on 15.06.2025. The penalty in question was imposed by R-1, and any deposit related thereto was to be made in the funds of R-1. R-2 had no role in the matter and accordingly, this review petition deserves to be dismissed/rejected. R-2 further submitted that he has not received the requisite information i.e. financial details of the society and copy of the minutes of meeting yet, despite passing of the impugned order way back in August, 2024.

4. R-1, RCS is directed to file reply before the next date of hearing with an advance copy to the Petitioner.
5. Adj. to 13.11.2025 for arguments.



**Financial Commissioner,
Delhi**

09.10.2025

Present : Shri Sandeep Kumar, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Ravinder, Jr.
Assistant for Respondent, RCS.

1. The Counsel for Petitioner contended that he has not received the copy of reply of RCS.
2. Reply of RCS is already on record.
3. RCS is directed to supply the copy of the reply to the Petitioner before the next date of hearing, and the Petitioner may file his rejoinder, if so wishes. Further, a cost of Rs. 500/- imposed upon the RCS on the last date of hearing is waived off in view of the reply already submitted by the RCS and the promise of its counsel to be more careful in future.
4. Adj. to 13.11.2025 for arguments.

**Financial Commissioner,
Delhi**

Case No. 57 of 2010

09.10.2025

Present : Shri Sandeep Kumar, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Abhinav Singh, Counsel for R-3, DCHFC.

1. The Counsel for Petitioner contended that he has already filed the reply in the matter.
2. R-3, DCHFC has also filed its written submissions. This Court had raised the issue to the Counsel for R-3, DCHFC as to whether there is any stay granted by the Hon'ble Supreme Court in this matter. Counsel for R-3 apprised this Court that a similar type of matter is pending before the Hon'ble Supreme Court of India but no stay is granted till date
3. R-1, RCS has not filed reply yet.
4. R-1, RCS is directed to file reply with an advance copy to the Petitioner before the next date of hearing.
5. Adj. to 13.11.2025 for arguments.

**Financial Commissioner,
Delhi**

09.10.2025

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

1. The Counsel for Petitioner contended that he has supplied the copy of the petition.
2. None appeared for R-2 Society. R-2 is directed to file reply before the next date of hearing failing which, a costs of Rs. 2000/- may be imposed on R-2. Issue notice to the R-2 Society to appear and lead the case on the next date of hearing.
3. Reply of R-1, RCS is already on record.
4. Adj. to 13.11.2025 for arguments.

**Financial Commissioner,
Delhi**