

04.12.2025

Present : Shri Alok Jain, Appellant in person.
: Ms. Vasu Singh, Counsel along with Shri Vishesh
and Shri Jitender, Sr. Asstt for Respondent, RCS.
: Shri Mukul Aggarwal, Counsel for R-3.

1. Appellant appeared in person and contended that R-3, R.K. Aggarwal was repeatedly expelled from 1971 to 1974 for default and misconduct. His membership was finally terminated on 05.08.1974, and another waiting list member (Shri A.K. Sabharwal) replaced him.
2. Appellant further submitted that the Appellant's father was separately inducted in 1977 for a 150 sq. yd. plot, and after draw of lots in 1978, Plot No. 90 was validly allotted to the Appellant, who paid all dues. He has also annexed with his appeal the allotment letter. DDA also accepted his membership. R-3, challenged his expulsion after 5 years, without impleading the Appellant. The Society later attempted to give Plot No. 90 to R-3, despite firm allotment to the Appellant.
3. Appellant also submitted that in WP 1678/1992, the High Court dismissed R-3's claim and directed that his disentitlement be decided by the RCS. R-3 enrolled for a 200 sq. yd. plot, was a chronic defaulter, expelled in 1974, and his expulsion was upheld by the Arbitrator, RCS (1979) and Delhi High Court (1983). After 1974 he was never included in the Society's membership or in the 1978 draw. His place was lawfully filled by A.K. Sabharwal, who was allotted a 200 sq. yd. plot.

4. That despite having no rights, R-3 later misled the courts by falsely claiming that he was entitled to a plot and concealed that he belonged to a different category. He never impleaded Late Sh. V.K. Jain till 1992, resulting in decades of unnecessary litigation. The Appellant's father had paid the entire land, development and electrification charges, received a share certificate, and the DDA accepted ground rent confirming a valid allotment. The Appellant has been suffering for 49 years due to the fraudulent conduct and concealment by R-3, R.K. Aggarwal.
5. R-1, RCS filed Reply and copy supplied to the parties. Counsel for RCS relied upon the Hon'ble High Court of Delhi order dated 08.10.2025 in WP(C) No. 13940/2024 wherein it was mentioned that:
 10. *Instead of deciding on its own, pursuant to the mandate of the aforesaid judicial authoritative pronouncement, it appears that the Financial Commissioner has remanded the matter back to the Registrar of Cooperative Societies for recording findings on facts.*
 11. *It was expected of the revisional authority to examine the said issue on its own, instead of remitting the matter back to the Registrar, Cooperative Societies. If the impugned order is sustained, the net result would be multiplicity of proceedings, as the findings of the Registrar, Cooperative Societies could again be assailed and the parties hereto will be required to suffer another round of litigation.*
 12. *Judicial discipline, in such an eventuality, warrants that it is for the Financial Commissioner to decide the matter on its own instead of remitting the same back to Registrar, Cooperative Societies.*
6. Counsel for R-3 filed the dates and chronology of events and supplied a copy to the parties.
7. The matter merits a proper examination of all records since 1968. Hence, to assist the Financial Commissioner Court, the RCS is directed to appoint an experienced retired Assistant Registrar as an inquiry officer under section 62 of Delhi Cooperative

Societies Act, 2003 by 08.12.2025. The inquiry officer shall examine all records and submit a fact finding report with recommendation (in a sealed envelope) after hearing all the parties within a period of three weeks. The Inquiry Officer should not have dealt with this case in past. Accordingly, all the parties are directed to appear before the Inquiry Officer on Tuesday i.e. on 09.12.2025 at 11:30 AM in the office of RCS for the said Inquiry. The cost of inquiry shall be shared equally by Petitioner and R-3.

8. As requested by the Counsel for R-1, RCS, copy of this order be given dasti.
9. Adj. to 08.01.2026 for arguments. The appointed Inquiry Officer shall be present in the Court on 08.01.2026 for assistance for the Court.

**Financial Commissioner
Delhi**

Case No. 201 of 2025

04.12.2025

Present : Shri Prajwal Sharma, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: None for R-2, Society.
: None for R-3 to R-6.

1. The Counsel for Petitioner contended that the petitioner is aggrieved by the impugned order dated 22.05.2024 issued by the Assistant Collector whereby his DDO has been directed to attach his salary to the extent of Rs. 6,21,611 upto 31.12.2023 plus interest @ 17.40% and remit the amount in monthly instalments of Rs.15,000/- p.m. As per the petitioner, he had stood as a surety for R-3, who defaulted in repayment of the loan. An Arbitration Award dated 03.02.2017 was passed whereby the Arbitrator recorded R-3's admission to pay, but he again defaulted. In execution proceedings, R-1 RCS has attached the petitioner's salary.
2. The Counsel for Petitioner further contended that he has applied for de-attachment, expressing readiness to pay his share of the decretal amount in one go, but his application is not being heard and no date has been fixed. Due to continued attachment, the petitioner is unable to operate his bank account and is facing undue hardship. Hence, he has challenged the impugned order of attachment.
3. Counsel for R-1, RCS submitted that RCS has not received a copy of the petition. The Petitioner supplied the same and RCS is directed to file reply before the next date of hearing.
4. It has been observed that Recovery Branch, RCS issues recovery order and Assistant Registrar execute the same by issuing attachment orders to the sureties/Principal borrowers. It is further observed that RCS has no mechanism to control the functions of T/C Societies as exorbitant rate of interest are charged by them on the loan disbursed. Further, full amount is attached against principal debtor and all sureties. Also in some cases the

sureties have paid directly to the societies and the RCS office has no knowledge of the same. In such a scenario R-1 RCS is also directed to file copy of at least one case wherein RCS has closed the execution case after repayment of loan in full amount, and which shows that over-recovery is not there.

5. RCS is further directed that no further recovery is to be made from Petitioner till the next date of hearing.
6. Adj. to 12.12.2025.

**Financial Commissioner
Delhi**

**Arick Amar Singh
Vs.
Bhajanpura Cooperative T/C Society & Ors.**

04.12.2025

Present : Shri S.P.Das, Counsel for Petitioner.
: Shri Prvindra Sharma, Counsel alongwith Shri Nivesh, AR
for R-1, Society.

(Vakalatnama filed)

: Ms. Vasu Singh, Counsel alongwith Shri Vishesh & Shri
Jitender, Sr. Assistant for R-2, RCS.

1. The Counsel for Petitioner contended that he has not received copy of Arbitral Award and the impugned attachment order has been received in the office of Petitioner regarding recovery of Rs. 2,03,206/- upto 30.06.2019 plus further interest @ 18% on principal amount. The Counsel for Petitioner further contended that the rate of interest was 15% + 3% penal interest resulting into 18% which is exorbitant rate of interest and also the attachment order is non-speaking order.
2. On query by this court regarding why the Petitioner has not made the Principal Borrower and other sureties as parties, the Counsel for Petitioner could not give satisfactory reply.
3. The Counsel for R-1, T/C Society in rebuttal submitted that the Petitioner had the knowledge regarding the passing of Arbitral Award dated 06.08.2019 and even after submitting their undertaking in September 2023, the Petitioner are before the RCS not repaying the balance loan amount.
4. The RCS is directed to ensure that no capitalization of penal interest does not happen and also no interest be levied during the pendency of the matter before this Court, in this case from passing of Arbitral Award in 2019 to passing of the execution order in June 2025.
5. On query of this court regarding how much amount has been recovered from the principal borrower, the Counsel for R-1, T/C Society submitted that they have recovered Rs.94,000/- as principal amount. The Counsel for R-1, Society filed copy of loan bond, copy of Award dated 06.08.2019, copy of Recovery Certificate dated 17.09.2020,

details of Award & copy of personal ledger from 01.04.2024 to 27.11.2025 which are taken on record and a copy given to the other party.

6. The R-2, RCS filed reply and copy of the same is provided to the Petitioner. As per reply submitted by R-2, RCS, Ms.Tripta Masih availed loan of Rs.2,50,000/- from Bhajanpura Cooperative U T/C Society Ltd in 2016. The Petitioner stood as surety. On default in payment case was referred to RCS and thereafter under Section 71 an Award was passed on 06.08.2019 against the Petitioner. Consequently, Certificate of Award was issued and execution proceedings started against Principal Debtor and Sureties. Subsequently, Summons/attachments/ warrants were also issued as per provision of DCS Act & Rules. Further, as per statement of execution, an amount of Rs.3,62,000/- is still to be recovered in this case.
7. On a specific query by this Court, the Counsel for Petitioner informed the he is aggrieved by Arbitral Award and wishes to challenge the same.
8. In view of the above, the Petitioner is given one month's time to approach the appropriate Forum to agitate the issue relating to Award dated 06.08.2019. During the said period of one month, no coercive action in terms of any recovery be taken against the Petitioner. Should any issue then arise on consequent attachment order, revision may be filed before the FC Court.
9. R-3, the Director, Esconet Technologies Ltd. is directed to release the salary of Petitioner for one month.
10. The Revision Petition bearing No.206/2025 titled "**Arick Amar Singh Vs Bhajanpura Cooperative T/C Society & Ors.**" is accordingly disposed off in terms of the above. No order as to cost.
11. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

04.12.2025

Present : Shri Ashim Sridhar, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Vishesh & Shri Jitender, Sr.Assistant for R-1, RCS.
: Ms.Aeshna Salwan, Proxy Counsel for R-2 to R-4.

1. The Counsel for Petitioner contended that the original complaint was filed by R-2 to R-4 regarding issue of audit and certain losses suffered by the society etc. Thereafter, on the basis of the said complaint, the ARCS passed the impugned order on 23.02.2023 wherein Inquiry Officer was appointed under Section 61 of the DCS Act to inspect the said society and submit the report.
2. Yet against R-2 to R-4 are represented by Proxy Counsel, a cost of Rs.5,000/- is imposed upon R-2 to R-4 which is to be deposited with DDO, GAD, GNCTD before the next date of hearing.
3. The Counsel for Petitioner further contended that a similar complaint had been filed against the society in the office of RCS by Shri Rajeev Bhardwaj. Thereafter, R-1 RCS passed an order dated 04.10.2022 directing inspection of the society by SDM, Kalkaji. The SDM vide order dated 13.02.2023 dismissed the said complaint observing that there is no merit in the complaint of Mr.Bhardwaj. Further, the Petitioner filed a letter dated 21.03.2023 before the R-1 highlighting the fact and requested that any order be passed keeping in view the findings of the order dated 13.02.2023 passed by the earlier Inspection Officer. The Counsel for Petitioner prayed to set aside the impugned order dated 23.02.2023 as the Petitioner was exonerated completely in the similar complaint.
4. The R-1, RCS is directed to examine as to whether both the complaints have similar issues /facts and also apprise the FC Court whether the inspection can be ordered on two or more separate complaints, may be on different dates, raising same issues. RCS to file its reply on the next date of hearing.
5. Adj. to 08.01.2026 for further arguments.

04.12.2025

Present : Mr. Anil Mittal, Counsel for Appellants.
: Mr. Jaffar Abbas, Counsel for Respondent, RCS.

1. The Counsel for Respondent, RCS submitted that the RCS has already filed reply on 14.10.2025 which was taken on record and placed in the case file. The Counsel for Respondent also informed that he has already supplied copy of the reply to the Petitioners.
2. The Counsel for Appellants contended that the Appellants filed writ petition bearing No.2391/2014 before the Hon'ble High Court of Delhi for setting aside the notice dated 23.01.2014, which was subsequently withdrawn. Thereafter, the Appellants filed an appeal bearing case No.234/2014 before the predecessor Financial Commissioner against the order dated 10.09.2014 passed by the RCS whereby his membership was ceased on account of dual membership, and he was disqualified under Section 41(1)(d) of DCS Act, 2003 r/w Rule 20(1)(c)(iii) of the DCS Rules, 2007.
3. In the meanwhile, the Petitioner received Notice dated 12.05.2017 from ARCS regarding clearance of membership of the Petitioner. Consequently, the Petitioner herein withdrew the said appeal filed before the predecessor Financial Commissioner.
4. The Counsel for Petitioner submitted that the Petitioner would file rejoinder with supporting affidavit within the next week's time before this court.
5. The Counsel for Respondent, RCS submitted that the said appeal is time-barred as he has approached this court after a gap of ten years from the date of impugned order dated 10.09.2014 and even the Hon'ble High Court of Delhi has granted liberty which is 60 days from the date of impugned order.

6. In view of the submissions made and the order of the Hon'ble High Court, the issue of limitation shall be taken up first on the next date of hearing.
7. Adj. to 19.12.2025 for arguments, including on the issue of limitation.



**Financial Commissioner,
Delhi**

04.12.2025

Present : Shri Abhishek Dubey, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Vishesh & Shri
Jitender, Sr. Assistant for R-1, RCS.
: None for R-2.

1. The Counsel for Petitioner submitted that he was himself admitted in the hospital due to some chronic disease on the date of hearing and submitted the copy of the medical bills. In view of the submissions made, the cost of Rs.5,000/- imposed on the Petitioner on the last date of hearing is waived off.
2. The Counsel for Petitioner contended that the Petitioner has filed the present revision petition under Section 116 of the DCS Act against the order dated 23.05.2025 passed by the R-1, RCS wherein the complaint dated 05.02.2024 filed by Shri Surinder Kumar Raheja, SPA holder of Indu Raheja requesting for Special Audit of the said society was dismissed.
3. The Counsel for RCS submitted that the complaint dated 05.02.2024 filed by the Petitioners was duly considered and after thorough examination, the same was found without merit. She also informed that the society has vehemently opposed the present petition with the contention that out of total 70 members only one member is seeking special audit, whereas the society has already submitted the audited accounts before the RCS, at the time of passing of impugned order.
4. On query of this court to the Counsel for Petitioner regarding the need of special audit of the society, the Counsel for Petitioner sought time to file reply.
5. Adj. to 12.12.2025 for further arguments.

Financial Commissioner,
Delhi