

Case No. 77 of 2025 and 182 of 2025

19.12.2025

Present : Shri Anil Kumar, Counsel for Petitioner in both the cases.

- : Shri Rohan Nagar, Proxy Counsel alongwith Mr. Shahid and Shri Vishwas Gautam, Sr. Assistants for R-1, RCS in both the cases.
- : Shri Rajinder Gulati alongwith Shri Atul Bhardwaj, Counsels for Impleadment Applicants in both the cases.

1. Counsel for Petitioner has no objection for impleading nine applicants who have filed impleadment application under Order 1 Rule 10 r/w Section 151 of CPC, 1908.
2. Counsels for Petitioner stated that RCS has not filed reply to the application U/O 1 Rule 10 r/w Section 151 of CPC, 1908. A copy of impleadment application be given to the RCS, who shall file reply to the same before the next date of hearing.
3. Counsel for Petitioner contended that the present petition has been filed against the appointment of inspection officer U/s Section 61 of DCS Act, 2003. The petitioner approached the Hon'ble High Court against refusal by this Court for not granting the interim relief, but subsequently withdrew the writ petition as the inspection has been completed and as of now there is no writ petition pending before the Hon'ble High Court. Counsel further contended that inspection could not have been ordered without giving Show Cause Notice as mandated in Section 61 of DCS Act, 2003. The Counsel referred the judgements of Hon'ble High Court of Delhi in cases titled as "***Panchshila Cooperative House Building Society Ltd. Vs. Govt. of NCT of India***" in WP (C) No.11663 of 2009 and W.P. (C) 4645/2013 in case

"Pradeep Jain & Ors. Vs. Govt. of NCT of Delhi & Ors."

4. Counsel for impleadment applicants reiterated the point raised by the petitioner that an opportunity of hearing should have been given to all ex-Directors of Managing Committee against whom action is proposed to be taken, before passing the impugned order under Section 61 of DCS Act, 2003 and also filed judgement of Hon'ble High Court in matter ***"Syed Meharaj Miya VS. Union of India through the Ministry of Minority Afairs & Ors."***. The Counsels informed the Court that their impleadment application is still pending.
5. The Departmental representative of RCS stated that inquiry is still pending. Since the reply of RCS on the impleadment application is awaited, hence the impleadment application shall be taken up subsequently.
6. On the next date of hearing, the RCS shall inform about the status of the ongoing inquiry u/s 62 of DCT Act, also to file reply to the impleadment application.
7. Interim order to continue till the next date of hearing in case no.182/2025.
8. Adj. to 16.01.2026.

**Financial Commissioner
Delhi**

19.12.2025

Present : Shri Ashwini Kumar Mishra, Counsel for Appellant.
: Shri B. K. Mishra, Counsel alongwith Shri Manish Jethi, AR for R-1, T/C Society.
: Shri Rohan Nagar, Proxy Counsel alongwith Shri Dhananjay, Jr. Asstt. for R-3, RCS.

1. Counsel for Appellant contended that R-1, T/C Society is charging rate of interest @16.8%+3% penal interest and it is not possible to pay the balance amount as Appellant's salary is around Rs.13,000/-p.m. only he being a Class-IV employee working in BSNL and he is one of surety in this case. He further stated that he has already paid 1/4th share of the principal amount and he is ready to settle the matter with the R-1 amicably out of the Court.
2. Counsel for R-1, T/C Society stated that there are four sureties in this case, one of them is terminated, two are retired and remaining one is surety who is liable to pay the remaining amount. Counsel for R-1, T/C Society further submitted that the Society is also sympathetic to the Counsel of Petitioner and is willing to settle the matter out of the court and requested for some time.
3. Keeping in view the contentions raised by both the parties, final opportunity is given to both the parties to settle the matter out of the Court and apprise the court about the development on the next date of hearing.
4. Adj. to 27.02.2026.

19.12.2025

Present : Mr. Atul Chauhan, Proxy Counsel for Appellants.
: Mr. Jaffar Abbas, Counsel for Respondent, RCS.

1. The Counsel for Appellants contended that the main Counsel could not be present today as he is not well.
2. The Proxy Counsel for Appellants contended that at the time of filing of the appeal, one of the Annexures i.e. 'Annexure P-19' as mentioned in Para-30 of the appeal, inadvertently could not be filed. The Proxy Counsel filed affidavit to this effect alongwith a copy of appeal No.234/2014. The copy of the same provided to the Respondent, RCS.
3. On query by this court to the Proxy Counsel for Appellants that whether the Appellants were not aware of the facts of the case at the time of filing of the said appeal (bearing No.234/2014) in 2014 as the said affidavit alongwith appeal of 2014 has been filed after instructions from the court ? In response, the Proxy Counsel could not reply satisfactorily and submitted that he will seek instructions from the main counsel about the same on the next date of hearing.
4. The Counsel for Respondent, RCS submitted that the said appeal is time-barred and the Appellants 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.
5. The affidavit filed by the Appellants is allowed subject to payment of cost of Rs.2,000/- to be deposited with DDO, GAD, Delhi Govt. and shall produce copy of the receipt of payment to the court, before the next date of hearing
6. Adj. to 23.01.2026 for arguments.

Financial Commissioner,
Delhi

19.12.2025

Present : Shri Rahul Raj Sharma, Husband of Petitioner.
: Shri B. K. Mishra, Counsel alongwith Shri Manish Jethi, AR for R-1, T/C Society.
: Shri Rohan Nagar, Proxy Counsel for, Counsel alongwith Shri Shahid, Sr. Asstt. and Shri Dhananjay, Jr. Asstt. for R-2, RCS.

1. Petitioner appeared and filed a number of statement of accounts provided by the R-1, T/C Society. He further contended that the statements provided by the R-1 shows repeated and multiple illegal additions as the bounced cheque amount was also added to the principal amount which is not correct resulting that the matter is still not settled and further stated that the base amount should be clarified first so that settlement can be done.
2. Representative for R-1, T/C Society undertook to check and verify the discrepancy found in the statement of account and is ready to settle the matter amicably.
3. Keeping in view of the above, Petitioner is given final opportunity to approach the R-1, Society to settle the dispute amicably out of the court failing which, the case would proceed further for adjudication, and in such scenario, the petitioner will clarify the legal issues which merit a revision petition.
4. Adj. to 16.01.2026.

**Financial Commissioner
Delhi**

19.12.2025

Mentioned today by Shri N.S. Dalal, Counsel for R-3.

1. The Counsel for R-3 sought indulgence of the court regarding amendment in para 7 of its previous order dated 04.12.2025 where direction has been given to appoint an inquiry officer under Section 62 of the DCS Act, 2003, with the contention that inquiry can be conducted only under Section 62 in cases of findings of audit or inspection under Section 61 or request from any creditor, or not less than one-thirds of the total members of the co-operative society. Also, the Counsel brought to the attention of the court para 16 of the order dated 24.02.2023 passed by the Division Bench of the Hon'ble High Court wherein it is mentioned : -

"..... Admittedly, in the present proceedings, no show-cause notice was ever served upon the petitioner by the Society with reference to the proceedings which have been subsequently filed by the respondent pursuant to the observations of the High Court vide judgment dated 16.08.2010. The membership of the Petitioner already stood restored vide judgment dated 29.07.1991 in LPA No.97/1983 and he stood relegated to the original position in 1968 and entitled to allotment of plot. There is no material to support if the petitioner was ineligible to allotment at the said relevant time and objections have emanated only because of supervening events. It needs to be kept in perspective that any right, privilege, objection or inability accrued in favour of the petitioner is saved both under Section 141 of the DCS Act, 2003 as well as Section 98 of DCS Act, 1972".

2. In view of the contentions raised, this court is inclined to accept the contention of the Counsel for R-3 and orders that para 7 of its earlier order dated 04.12.2025 stands amended as follows :

"The matter merits a proper examination of all records since 1968. Hence, to assist the court of the Financial Commissioner, the RCS is directed to appoint a fact finding committee under an experienced retired Assistant Registrar, which shall examine all records and submit a report with recommendation (in a sealed

envelope) after hearing all the parties within a period of three weeks starting from 22.12.2025. Accordingly, all the parties are directed to appear before the fact finding committee on Tuesday 23.12.2025 at 11.00am in the office of RCS".

3. All other contents of the order shall remain same except the next date of hearing is now fixed for 22.01.2026.
4. Issue notice to all other parties.
5. As requested by the Counsel for R-3, copy of this order be given dasti.
6. Adj. to 22.01.2026 for arguments. The appointed fact finding committee shall be present in the court on 22.01.2026 for assistance for the court.

**Financial Commissioner,
Delhi**