

Case No. 199 of 2025

28.11.2025

Present : Ms. Neeta Bahl, representative for Petitioner.
: Ms. Vasu Singh, Counsel along with Shri Raj Kumar and Shri Shahid, Sr. Assistant for Respondent, RCS.
: Ms. Chaitali Singh, Counsel for R-2, L&B Deptt.
: None for the R-3, Society.

1. The representative for Petitioner filed tracking report of service of notice on Respondents and claimed herself to be SPA, but has not submitted any document supporting her claim.
2. The Petitioner contended that he is placed at Serial No.11 in the RCS-confirmed waiting list dated 01.10.1982. He had cleared all objections in 1987, and his membership was repeatedly confirmed by the Society, RCS records, affidavits, and even the Local Commissioner and High Court in earlier proceedings. Plot No.124, earlier allotted to Smt. Krishna Chopra, became vacant after her membership was finally cancelled and all her challenges were dismissed. Despite this from 2023 onwards, the Society began denying the existence of the waiting list, attempted to enrol new members without RCS approval, submitted forged documents, and ignored repeated directions from the RCS. The petitioner made multiple representations for lawful allotment of Plot No.124 but the RCS, by order dated 07.10.2024, rejected his claim. Subsequent High Court proceedings directed the Society and RCS to justify their actions, but the Society filed fabricated records. Ultimately, the petitioner was asked to pursue the alternate remedy under Section 116, and the SLP against this direction was dismissed.

3. Petitioner further pointed out to letter dated 19.03.2024 of RCS written to the Society wherein it was intimated that the society is asked to explain why it did not submit the copies of the last GBM and last election results. Until these clarifications are provided, the Managing Committee must not take any steps to fill the vacant plot.
4. Petitioner also point to order dated 03.05.2016 of Hon'ble High Court of Delhi wherein it was mentioned that another member of the same society has been a valid society member since 1978 and was placed in the approved waiting list of 1982, which was upheld by the High Court. For decades, he accepted his position as a wait-listed member (at serial no. 16) and only complained that juniors got plots before him. Now, for the first time in this writ petition before Hon'ble High Court of Delhi in WP(C) No. 4093 of 2013, he claims he was wrongly shown as a wait-listed member instead of a regular member.
5. On query of this Court, the Petitioner confirmed that society never issued allotment after serial no. 10 because of non-availability of plots.
6. Counsel for RCS pointed out to order dated 07.10.2024 of RCS as per the 01.10.1982 waiting list, Sh. Parmod Bahl was not a confirmed member because his residential address was outside the permitted area under the society's bye-laws. This objection was never challenged by him before the society or the RCS, and therefore it remained unresolved and attained finality due to limitation. Counsel further contended that this aspect has to be checked whether the Petitioner is on the waiting list or not.

7. Counsel for R-2, Land & Building Department appeared and submitted that it has no role in the present matter and is wrongly being impleaded in the matter, to which the representative of Petitioner agreed. Accordingly, R-2, Land & Building Department is ordered to be deleted from the array of parties. The representative of the Petitioner is directed to file her authorisation alongwith the amended memo of parties.
8. Respondent, RCS is directed to clarify how waiting list of 01.10.1982 can be scrapped on the basis of subsequent resolution which came on 06.01.2019 and whether the Delhi Cooperatives Societies Act, 2003 is applicable with retrospective effect.
9. Issue notice to R-3, Society to appear and lead the case on the next date of hearing.
10. Adj. to 12.12.2025.



Financial Commissioner
Delhi

Shri Subhash Chand Vs. Asstt. Collector, Grade-I & Ors.

28.11.2025

Present : Shri Vaibhav Rana, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Sh. Dhananjay,
Jr. Assistant & Shri Ashish, MTS for R-1, RCS.
: Shri Vijender Kumar, AR of the Society, R-2.

1. Counsel for Petitioner filed receipt of payments and contended that a loan of Rs.5 lakh was taken from the Society by the principal borrower, who has expired. Out of this loan amount, principal borrower had paid Rs.2.3 lakh in 18 instalments and Society received Rs.5.8 lakh from LIC policy of the Insurance Company. Moreover, the petitioner had also paid Rs.20,000/- on 10.04.2024. In total, an amount of Rs.8.30 lakhs has already been paid against the loan of Rs.5 lakh and still an amount of Rs.5,02,818/- is shown pending as per the impugned order, which cannot be sustained.
2. Counsel for Petitioner further submitted that he has challenged the award dated 26.09.2022 passed by the Arbitrator before the Delhi Cooperative Tribunal and the proceedings are still pending, also stay has been granted against the execution proceedings.
3. Counsel for RCS stated that there is stay proceedings by the DCT in this case. The AR of the Society has also stated that execution proceeding is stayed by the DCT and no recovery proceedings is being made against the petitioner.
4. This Court is of the considered view that in interest of justice, it is vital that the parties exhaust all the remedies before approaching this Court so that the amount payable under the Award of Arbitrator is rightly determined by the Competent Authority. The DCT is the Competent

Authority to adjudicate on the amount payable by the Petitioner subsequent to the Award. Consequent to DCT's decision, if any further legal disputes arise on the execution proceedings, the parties are free to approach this Court in the revision petition. Accordingly, the Petitioner is directed to contest the already pending proceedings before the DCT.

5. Accordingly, the appeal bearing No.48/2025 is disposed of in terms of the above.
6. File be consigned record room after completion.



(Prashant Goyal)
Financial Commissioner
Delhi

**Shri Subhash Chand
Vs.
The Supreme Coop.(U) T/C Society Ltd.**

28.11.2025

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Sh. Dhananjay, Jr.
Assistant & Shri Ashish, MTS for R-6, RCS.
: Shri Vijender Kumar, AR of the Society, R-1.

1. Counsel for Petitioner has drawn the attention of this Court to the order dated 12.09.2025 passed by this Court wherein in the first para, it has been recorded that the petitioner has paid Rs.3.92 lakhs as against the loan of Rs.3 lakhs, which is an inadvertent statement. Counsel further submitted that the petitioner has not paid any amount.
2. Counsel for Petitioner further stated that the recovery has been made on the basis of defective recovery certificate as it has been issued against a dead person and resultant execution proceedings are initiated against the deceased person as the Society has also not impleaded the LRs of the principal debtor. Therefore, the pending proceedings before the Assistant Collector are unsustainable and deserved to be declared as infructuous. Counsel informed that he has not challenged the Arbitral Award and wish to seek legal remedy challenging the same before the appropriate forum, prayed to allow withdrawal of the present petition.
3. It is observed that the Society has appeared only once before this Court i.e. on 12.09.2025.
4. This Court is of the considered view that in interest of justice, it is vital that the parties exhaust all the remedies before approaching this Court so that the amount payable under the Award of Arbitrator is rightly determined by the Competent Authority. If any further legal disputes arise on the execution proceedings, the parties are free to approach this Court in the revision petition.

5. Accordingly, the prayer of the Counsel for petitioner is allowed and the present revision petition is dismissed as withdrawn. Further, no recovery shall be affected from the petitioner for the next 60 days, whereby the Petitioner is free to approach the Society for settlement or to approach the appropriate forum of law.
6. Accordingly, the appeal bearing No.67/2025 is disposed of in terms of the above.
7. File be consigned record room after completion.

(Prashant Goyal)
Financial Commissioner
Delhi

Case No. 114 of 2025

Shri Virpal Singh

Vs.

Suvidha Co-operative Thrift & Credit Society Ltd. & Anr.

28.11.2025

Present : Shri D. K. Santoshi, Counsel for Appellant.

: Shri Vipin Dilawari, Counsel alongwith Shri Arun Sharma, AR for R-1, T/C Society.

: Ms. Vasu Singh, Counsel alongwith Shri Dhananjay, Jr. Asstt. and Shri Ashish Mahto, MTS for R-2, RCS.

1. Counsel for Petitioner contended that he is willing to settle the matter with the Society failing which, he undertook to approach the appropriate forum as per law.
2. Counsel for R-1, T/C Society contended that the present petition is not maintainable before this Court in terms of the Order of the Hon'ble High Court dated 16.05.2025. Moreover, he is aggrieved with the arbitral award dated 04.09.2015 itself and therefore, he should appeal before the DCT challenging the award itself. The Petitioner has concealed material facts from this Hon'ble Court and has not come with "clean hands." The case is false, frivolous, and should be dismissed at the outset.
3. Counsel for R-2, RCS stated that Sh. Virpal, member of Suvidha Cooperative Urban T/C Society Ltd., filed case no. 114/2025 praying to stay the attachment of his assets in the execution cases listed below. Virpal and his family members took loans from the society and failed to repay them. He also stood as surety for others who defaulted. The society is decree holder in the following execution cases where Virpal and relatives are judgment debtors: Execution cases

231/2016-2017, 232/2016-2017, 236/2016-2017, 241/2016-2017, 238/2016-2017, 237/2016-2017, 245/2016-2017, 253/2016-2017, 242/2016-2017, 246/2016-2017, 243/2016-2017, 239/2016-2017, 252/2016-2017. Sh. Virpal retired on 31/05/2024 but, along with family and relatives, did not repay the loans. R-2, RCS further stated that in his appeal there is no specified relief sought by the Petitioner in accordance with the law. Hence, the petition deserves dismissal.

4. Keeping in view the contention raised by the R-1, Society & R-2, RCS, liberty is granted to Petitioner to first settle the dispute with the R-1, T/C Society amicably. Two months' time is granted for the same and during time, no coercive action be taken against the Petitioner. In case of failure, Petitioner may approach the appropriate forum against the award first (which is being disputed). In case of disputes against a future execution proceeding, the Petitioner shall have the liberty to approach this Court, if such a need arises.
5. Accordingly, the appeal bearing No. 114/2025 is disposed of in terms of the above.
6. File be consigned record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 130 of 2025

28.11.2025

Present : Shri Rahul Raj Sharma, Husband of Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Dhananjay, Jr. Asstt. and Shri Ashish Mahto, MTS for Respondent, RCS.

1. Representative for Petitioner requested for adjournment as the Counsel is not available. He further stated that as per the direction of this Court on the last date of hearing i.e. 10.10.2025, he approached twice to the office of R-1, Society to settle the dispute but the same was continuously locked.
2. Counsel for Respondent, RCS requested to pass over the case as the representative of RCS Office has the contact number of the concerned person of R-1, Society so that the matter can be settled. Request is allowed and the case is passed over.



**Financial Commissioner
Delhi**

Case is again taken up at 12.35 p.m.

Present : Shri Rahul Raj Sharma, Husband of Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Dhananjay, Jr. Asstt. and Shri Ashish Mahto, MTS for Respondent, RCS.

1. Petitioner informed he has successfully contacted the R-1, Society and would like time to settle the dispute. He sought adjournment of the case to settle the dispute out of Court.
2. Adj. to 11.12.2025.



**Financial Commissioner
Delhi**

28.11.2025

Present : Mr. S.K. Sharma, Counsel alongwith Mr.Masood Hussain for Petitioner, Society (in all cases).
: Mr.Akshay Bhardwaj, Counsel alongwith Shri A.K. Pandey, Counsel for R-3 (in case No.149/2025) for R-2 (in case No.150/2025) and for R-1 (in case No.151).
: Mr. S.M. Arif, Counsel for R-5, DD(Admn)/DDO, Dte.Gen. Akashwani/Prasar Bharti.
: Ms. Vasu Singh, Counsel for R-6, RCS.

1. The Counsel for Petitioner contended that the Petitioner, Society has filed three petitions for invoking the revisionary powers of this court regarding enforcement of execution proceedings as the Financial Commissioner being a supervisory Court has the power to enforce the execution certificate as both the Assistant Collector or DDO has failed to do so. The Counsel for Petitioner also contended that the Form No.27 & 28 have not been complied either by the RCS office or the DDO office. The Counsel for Petitioner further contended that in case No.149/2025 Shri Girdhari Majhi, R-1 (Principal Debtor) has been terminated from the service. He also cited the judgment of Hon'ble Supreme Court in "*State of Haryana Vs.Rajmal*" invoking the revisionary powers of this court and undertook to file a copy of the judgment on the next date of hearing.
2. The Counsel for Respondent (Shri Rajiv Gupta) undertook to file reply in all three cases before the next date of hearing. The Counsel for Respondent, Rajiv Gupta also contended that Shri Rajiv Gupta, R-1 (in case No.151/2025) has already preferred an appeal before the DCT against the exorbitant rate of interest imposed in the Award dated 31.01.2019 which is still pending for adjudication in the DCT and the same is listed for 19.12.2025. The Counsel for Respondent further contended that the arguments should be heard herein first on the issue of maintainability of all the three revision petitions before this forum as the executing court has got all the powers to get execute his order. Also, if the need

arises, the appeal against Assistant Collector's order should lie to the Collector.

3. The Counsel for R-5, DDO Akashwani, submitted that the Department cannot recover more than 33% of the salary of the employee as per Section 60 CPC which was vehemently opposed by the Petitioner's Counsel contending that Section 60 CPC is not applicable in recovery proceedings in a Cooperative T/C Society matter. Moreover, he relied upon the Hon'ble Supreme Court judgment in "State of Punjab Vs. Dina Nath" which has held that Section 60 CPC is applicable only to recoveries executed through Civil Court".
4. The Counsel for R-6, RCS submitted that the RCS has issued recovery certificates in Form-28 dated 13.02.2019 in all the cases and that the Petitioner should approach the Collector for getting the recovery certificate executed.
5. In view of the above, the R-5/DDO is directed that no recovery is to be made against R-1, Rajiv Gupta in Case No.151/2025 till the next date of hearing.
6. As requested, the copy of this order be given dasti to the Counsel for Respondent (Rajiv Gupta).
7. Adj. to 15.01.2026 for further arguments.



**Financial Commissioner,
Delhi**