

**Rama Khandelwal, Secretary, Riviera CGHS Ltd.**  
**Vs.**  
**Gagan Marwah & Anr.**

09.01.2026

Present : Shri Anuj Dhir, Counsel for Petitioner.  
: Ms. Vasu Singh, Counsel for R-2, RCS.

1. Heard the parties.
2. The brief facts of the case are that :
  - a. R-1 Shri Gagan Marwah sought some information and documents under Section 139 of DCS Act, 2003 on 14.11.2023 from the Secretary/Information Officer of the Riviera CGHS Ltd./Petitioner herein. As the R-1 did not get the complete information, he filed an appeal under Section 139 of DCS Act, 2003 before the Appellate Authority i.e. Assistant Registrar, S-6/H branch of RCS. The Appellate Authority passed order dated 11.03.2024 whereby the Petitioner herein was directed to provide **complete information and documents** within 10 days to R-1. Thereafter, R-1 sent reminders to Secretary/Information Officer of the society to comply with the said orders.
  - b. However, Information Officer vide reply dated 29.05.2024 provided certain information and documents to the R-1 but the same was not complete in accordance with order dated 11.03.2024. As the information was incomplete, a Show Cause Notice dated 07.05.2024 was issued to the Secretary/Information Officer by the Assistant Registrar, Section-6 Branch directing the Secretary/ Information Officer to submit reply within 10 days of the receipt of the Show Cause Notice. Consequently, the Assistant Registrar (Appellate Authority) after taking into account the contentions of both the sides vide order dated **10.06.2024** imposed penalty of Rs.10,000/- under Section 139 of DCS Act 2003 as the information was not provided within time

frame fixed vide order dated 11.03.2024. Subsequently, vide reply dated 18.07.2024, the Information Officer provided certain information and documents to the R-1.

- c. Thereafter, a final reminder dated 02.08.2024 was issued to the society by Assistant Registrar (Section-6) as there was no further response from the Information Officer to the communication dated 11.06.2024 and 25.06.2024 made by R-1 with Petitioner, and with copy to Assistant Registrar. Further, the Assistant Registrar also issued letter/notice dated 02.07.2024 directing the Information Officer to comply with the order dated 11.03.2024 to provide correct and complete information and documents to the R-1 as per RTI application dated 14.11.2023. Consequently, the R-1 also sent letter dated 10.07.2024 to Information Officer. The Assistant Registrar (Section-6) again sent a letter/notice dated 15.07.2024 to the Information Officer. R-1 also sent another reminder dated 20.07.2024 to the Information Officer. The R-1 submitted copies of all the above communication to the RCS despite that the Information Officer did not supply the complete, true and correct information and documents. Due to failure of Information Officer to comply with the order dated 11.03.2024 and for not providing the correct and complete information & documents despite several opportunities, the RCS office provided another opportunity to the Information Officer vide final notice dated 02.08.2024.
- d. Consequently, the Assistant Registrar vide order dated 04.11.2024 issued notice for initiation of action under Section 37 and 118 of DCS Act, 2003 against Petitioner for deliberate and intentional non-compliance of the order dated 11.03.2024 passed by the Appellate Authority in spite of lapse of eight months.
- e. Aggrieved by the orders dated 10.06.2024 & 04.11.2024 passed by Assistant Registrar, the Petitioner filed the present petition under Section 116 of the DCS Act, 2003.

f. The Counsel for Petitioner referred to Section 139 (2) of DCS Act, 2003 and Rule 165 (8) of DCS Rules, 2007 in support of his case which are reproduced hereunder:

*"139 (2) - Where a member or creditor having interest in affairs of a society seeking information prefers an appeal to the Registrar stating that the officer of the society without any reasonable cause, has refused to receive his application for providing information or has not furnished information within the time specified under sub-section (1) or has refused the request for information or knowingly given incorrect information or obstructed in any manner in furnishing the information, the Registrar, after affording a reasonable opportunity of being heard to the officer of the society and the appellant, may either reject the appeal; or direct the officer of the society to furnish information within the period specified in the order or such extended period as may be allowed, and in case of default the Registrar may impose a penalty of two hundred and fifty rupees each day till the information is furnished, so however, the total amount of such penalty shall not exceed ten thousand rupees which shall be recoverable as arrears of land revenue in case of default in payment."*

*"165 (8) - In case the co-operative society has, without any reasonable cause, refused to receive the application for information or has not furnished information within the time specified under the Act or malafidely denied the request for information or knowingly given incorrect, incomplete information or obstructed in any manner in furnishing the information, the creditor or member, as the case may be, may file an appeal before the Registrar within 30 days from expiry of the period mentioned in sub-section (1) of section 139 of the Act. The Registrar may after affording reasonable opportunity to the co-operative society and the appellant, may either reject the appeal or direct the Information officer to furnish the information within the period specified in the order or such extended period as may be allowed by him. In case of default the Registrar may after affording reasonable opportunity to the co-operative society, impose a penalty of Rs. Two hundred fifty each day till the information is furnished so however the total amount of such penalty shall not exceed Rs. Ten thousand only. The penalty so imposed under this provision shall be recovered from the personal pocket of the Committee members or concerned Information officer, as arrears of land revenue. The amount so recovered shall be deposited in the Co-operative Education Fund."*

3. The Counsel for Petitioner further contended that in context of above cited Act & Rules, the period of penalty

was to be counted from the date of filing of RTI by R-1 herein which is 30 days from 14.11.2023. The society/I.O rejected the request on 06.12.2023. However, on the directions of RCS office, the information sought by R-1 was provided. The Assistant Registrar imposed the penalty of Rs.10,000/- vide order dated 10.06.2024 which is beyond the period of 30 days of filing of RTI application by R-1. The Petitioner questioned imposition of penalty on Information Officer beyond expiry of 30 days of filing of RTI application because as per Petitioner, the Assistant Registrar cannot impose penalty as per provision of the Act. Therefore, the penalty order dated 10.06.2024 is not legally valid. However, the Petitioner failed to explain as to which provision of Act is violated in the present case.

4. In rebuttal, the Counsel for RCS submitted that the correct & complete information has not been provided by Petitioner till date despite period of 40 days having elapsed. However, during the proceedings before this court on 28.08.2025 & 12.09.2025, the R-1 accepted that he has received the required information from the Information Officer of the society. The Counsel for RCS also submitted that in view of the fact that the Information Officer, Smt. Rama Khandelwal, Secretary of the society, failed to comply with the directions passed vide Order dated 11.03.2024 in a time bound manner and further as no explanation/reply was given to the Show Cause Notice from Assistant Registrar (Section-6) dated 07.05.2024, and the default being much more than 40 days, the Assistant Registrar (Section-6), imposed a penalty of Rs.10,000/- on the Information Officer to be paid from her personal pocket, as per the provisions of Section 139 of DCS Act 2003 read with Rule 165 of DCS Rules 2007, with further direction to deposit the penalty amount in Cooperative Education Fund in the Office of Registrar Cooperative Societies, within ten (10) days from the receipt of this Order failing which the amount of

Rs.10,000/- was to be recovered from Smt. Rama Khandelwal as arrears of land revenue.

5. The RCS also submitted that the member/R-1 sought information through RTI application from the society on 14.11.2023 which was rejected on 06.12.2023. The R-1 also submitted communications citing various judgements against rejection of his application. As there was no response from the society, R-1 filed appeal u/s 139 of DCS Act r/w Rule 165 of DCS Rules. The office of RCS issued notice to the society in reply to which the society wrongly stated that some information has already been provided to R-1. Thereafter, the RCS directed society to provide complete information and documents to R-1 as per his RTI application within 10 days. The society despite various reminders sent by R-1 did not comply with the order of Appellate Authority dated 11.03.2024. Accordingly, show cause notice was issued by the Assistant Registrar on 07.05.2024 to explain as to why penalty be not imposed. On 29.05.2024, for the first time the society submitted reply but failed to provide complete details and certified copies of documents. As no reply to show cause notice dated 07.05.2024 was received from society, the office of RCS vide order dated 10.06.2024 imposed a penalty of Rs.10,000/- on the Society/Secretary/Information Officer. However, the society failed to comply with the directions of RCS despite several reminders from the Assistant Registrar (S-6) dated 02.07.2024, 15.07.2024, 02.08.2024 & 03.09.2024. Simultaneously, recovery proceedings were also initiated against the Petitioner by the Assistant Collector, Gr.I/II and summons were issued on 30.08.2024. However, despite receiving the notice, the Petitioner did not appear before the Assistant Collector resulting in attachment order dated 24.09.2024 passed by the Assistant Collector for recovery of Rs.10,000/- from the personal bank account of Petitioner. The same was recovered and remitted to Cooperative Education Fund of RCS. Thereafter, again efforts were made to get

the complete information and documents from the Petitioner vide letter dated 14.10.2024. The office of RCS issued notice dated 04.11.2024 seeking explanation as to why action u/s 37 and 118 (1) of DCS Act be not initiated against the Petitioner. The Petitioner filed reply to the notice and further proceedings in the matter are pending as per the written submissions filed by the RCS on 14.11.2025.

6. From the perusal of the record, it is seen that the office of RCS passed reasoned and speaking orders dated 10.06.2024 imposing penalty of Rs.10,000/- on Petitioner due to failure on the part of the Petitioner to comply with the directions of the RCS to furnish complete information and documents in time. Thereafter, both R-1 and RCS office made several efforts to obtain the information and documents which were provided in fragmented manner and the same was confirmed before this court by the R-1 on 28.08.2025. The disregard to the directions of the RCS resulted in further initiation of proceedings vide notice dated 04.11.2024. Both the impugned orders are passed within the ambit of Section 139(2) of DCS Act, 2003 and Rules 165(8) of the DCS Rules, 2007. It is also noted that **the penalty amount has already been recovered from the petitioner.**
7. Thus, there was clear attempt on the part of Petitioner to delay the information and **frustrate R-1 with incomplete and misleading information.** The information need to be supplied promptly and in time, as delay is akin to a 'deemed refusal' and undermines transparency. Delayed information can make it irrelevant as timely decision-making by applicant gets impacted, including incapability to prevent illegality or arbitrariness, as also give an opportunity to create a misleading information.
8. In view of all the foregoing, this court is of the considered view that the present case does not require any interference from this Court at this stage. Accordingly,

the revision petition bearing No.341/2024 titled **Rama Khandelwal (Secretary/I.O.) Riviera CGHS Ltd Vs. Gagan Marwah & Anr.** is dismissed.

9. File be consigned to the record room after completion.

(Prashant Goyal)  
Financial Commissioner  
Delhi

**Rama Khandelwal, Secretary, Riviera CGHS Ltd.**  
**Vs.**  
**Gagan Marwah & Anr.**

09.01.2026

Present : Shri Anuj Dhir, Counsel for Petitioner.  
: Ms. Vasu Singh, Counsel for R-2, RCS.

1. Heard the parties.
2. The brief facts of the case are that :
  - a. R-1, Shri Gagan Marwah, sought certain information and documents under Section 139 of the DCS Act, 2003 on 23.04.2024 from the Secretary/Information Officer of the Riviera CGHS Ltd/Petitioner herein. As the R-1 did not receive requisite information and documents from Secretary/Information Officer, despite sending reminders dated 31.05.2024 and 11.06.2024, he filed an appeal under Section 139 of the DCS Act, 2003 before the Appellate Authority i.e. Assistant Registrar, S-6/H branch of RCS on 21.06.2024.
  - b. Thereafter, the Petitioner submitted complete reply to R-1 on 24.06.2024. Thereafter, the R-1 pointed out shortcoming in the reply dated 24.06.2024, accordingly the Petitioner sent revised reply on 01.07.2024 after removing all deficiencies. In the meantime, summon under Section 139 of DCS Act, 2003 was issued by the Assistant Registrar to Information Officer to appear on 08.07.2024. On 08.07.2024, the matter was heard before the Appellate Authority and the Petitioner herein filed the reply with the prayer that any delay in providing documents may be condoned and no penalty be imposed on the undersigned secretary.
  - c. On 05.08.2024, the Petitioner again appeared before the Appellate Authority and provided reasons seeking

condonation of penalty; however, the same were found to be contrary to the submissions made in the petition filed before the Appellate Authority.

- d. Consequently, the Assistant Registrar (Appellate Authority) after taking into account the contentions of both the sides vide order dated 09.08.2024 imposed penalty of ₹7,000/- under Section 139 of the DCS Act, 2003 as the information and documents was provided on 24.06.2024/01.07.2024 i.e. late by more than 30 days against RTI application received by Petitioner on 24.04.2024.
- e. Aggrieved by the order dated 09.08.2024 passed by the Assistant Registrar, the Petitioner has filed the present petition under Section 116 of the DCS Act, 2003.
- f. The Counsel for the Petitioner referred to Section 139(2) of the DCS Act, 2003 in support of his case that all the information and documents were provided to R-1 herein, which are reproduced hereunder:

*"139 (2) - Where a member or creditor having interest in affairs of a society seeking information prefers an appeal to the Registrar stating that the officer of the society without any reasonable cause, has refused to receive his application for providing information or has not furnished information within the time specified under sub-section (1) or has refused the request for information or knowingly given incorrect information or obstructed in any manner in furnishing the information, the Registrar, after affording a reasonable opportunity of being heard to the officer of the society and the appellant, may either reject the appeal; or direct the officer of the society to furnish information within the period specified in the order or such extended period as may be allowed, and in case of default the Registrar may impose a penalty of two hundred and fifty rupees each day till the information is furnished, so however, the total amount of such penalty shall not exceed ten thousand rupees which shall be recoverable as arrears of land revenue in case of default in payment."*

- 3. The Counsel for Petitioner further contended that in context of above cited Act, the period of penalty was to be counted from the date of filing of RTI by R-1 herein which is 30 days from 24.04.2024. The Assistant Registrar imposed the

penalty of Rs.7,000/- vide order dated 09.08.2024 which is beyond the period of 30 days of filing of RTI application by R-1. The Petitioner questioned imposition of penalty on Information Officer beyond expiry of 30 days of filing of RTI application because as per Petitioner, the Assistant Registrar cannot impose penalty as per provision of the Act. Therefore, the penalty order dated 09.08.2024 is not legally valid. However, the Petitioner failed to explain as to which provision of Act is violated in the present case.

4. In rebuttal, the Counsel for RCS submitted that the correct & complete information has not been provided by Petitioner despite period of 30 days having elapsed. However, during the proceedings before this court on 28.08.2025 & 12.09.2025, the R-1 accepted that he has received the required information from the Information Officer of the society. The Counsel for RCS also submitted that in view of the fact that the Information Officer, Smt. Rama Khandelwal, Secretary of the society, failed to justify or provide any acceptable reason for providing information and documents to R-1 after a delay of more than 30 days i.e. on 24.06.2024 and 01.07.2024 cannot be ground to waive off the penalty. The Information Officer also did not bother to respond to two reminders dated 31.05.2024 & 11.06.2024 submitted by R-1, the Assistant Registrar (Section-6 Branch), imposed a penalty of Rs.7,000/- on the Information Officer to be paid from her personal pocket, as per the provisions of Section 139 of DCS Act 2003 read with Rule 165 of DCS Rules 2007, with further direction to deposit the penalty amount in Cooperative Education Fund in the Office of Registrar Cooperative Societies, within ten (10) days from the receipt of this Order failing which the amount of Rs.7,000/- was to be recovered from Smt. Rama Khandelwal as arrears of land revenue.

5. The R-1, RCS also submitted that the member/R-1 had sought information from the Society through an RTI application which was received on 24.04.2024. As no response was received from the Society, R-1 filed an

appeal under Section 139 of the DCS Act, 2003 read with Rule 165 of the DCS Rules, 2007. Consequently, the office of RCS issued summons for appearance before the Appellate Authority on 08.07.2024. Thereafter, the Petitioner filed a reply before the Appellate Authority on 08.07.2024 stating that the information has already been supplied to R-1 on 24.06.2024 and 01.07.2024 and also prayed for condonation of delay in providing the information. On 05.08.2024, the Petitioner appeared before the Appellate Authority and submitted reasons seeking condonation of penalty; however, the said reasons were found to be contrary to the averments made in the present revision petition.

6. The RCS placed reliance on judgment dated 15.01.2016 in WPC No.6538/2014 titled Rattan Gupta Vs. Lt.Governor of Delhi & Ors. on the point that once penalty has been imposed under the provisions of Section 139 of DCS Act, 2003 by the office of RCS, the same cannot be withdrawn.
7. The Counsel for RCS, further submitted that the penalty amount of Rs.7,000/- imposed upon the Petitioner was recovered from the Petitioner's personal bank account on 21.12.2024.
8. From the perusal of the record, it is seen that the office of RCS passed reasoned and speaking orders dated 09.08.2024 imposing penalty of Rs.7,000/- on Petitioner due to failure on the part of the Petitioner to supply the complete information and documents in time. It is also noted that the penalty amount has already been recovered from the petitioner.
9. Thus, there was clear attempt on the part of Petitioner to delay the information and frustrate R-1 with incomplete information. The information need to be supplied promptly and in time, as delay is akin to a

'deemed refusal' and undermines transparency. Delayed information can make it irrelevant as timely decision-making by applicant gets impacted, including incapability to prevent illegality or arbitrariness, as also give an opportunity to create a misleading information.

10. In view of all the foregoing, this court is of the considered view that the present case does not require any interference from this Court at this stage. Accordingly, the revision petition bearing No.10/2025 titled ***Rama Khandelwal (Secretary/I.O.) Riviera CGHS Ltd. Vs. Gagan Marwah & Anr.*** is dismissed.
11. File be consigned to the record room after completion.

(Prashant Goyal)  
Financial Commissioner  
Delhi

**Rama Khandelwal (Secretary/I.O.) Riviera CGHS Ltd  
Vs.  
Registrar Cooperative Societies & Anr.**

09.01.2026

Present : Shri Anuj Dhir, Counsel for Petitioner.  
: Ms. Vasu Singh, Counsel for R-1, RCS.

1. Heard the parties.
2. The case of the Petitioner is that :
  - a. R-2, Shri Gagan Marwah, sought certain information and documents under Section 139 of the DCS Act, 2003 on 01.02.2025 from the Secretary/Information Officer of the Riviera CGHS Ltd/Petitioner herein. As the R-2 did not get complete information and documents from the Petitioner, he filed an appeal under Section 139 of the DCS Act, 2003 before the Appellate Authority i.e. Assistant Registrar, S-6/H branch of RCS on 19.04.2025 and summons were issued to the parties.
  - b. The R-2 also filed another application on 10.03.2025 seeking more information from the Petitioner. R-2 also submitted reminders dated 18.03.2025 & 25.03.2025 to the Information Officer to provide the information.
  - c. However, during the proceedings on 08.05.2025 before the Assistant Registrar (Section-6 Branch), the Treasurer of the Society handed over copies of certain documents. The Treasurer also submitted that the information sought by R-2 was provided to him and the information sought through RTI application dated 10.03.2025 cannot be provided under the application dated 01.02.2025. It is further submitted that the information could not be found in the records of the society and as such there was no wilful default on the part of the Information Officer. The Information Officer

provided all the information and documents to the R-2 on 08.05.2025 before the Assistant Registrar.

- d. Consequently, the Assistant Registrar (Appellate Authority) after taking into account the contentions of both the sides vide order dated 04.06.2025 imposed penalty of ₹5,000/- under Section 139 of the DCS Act, 2003 as the contentions of the society raised in its replies dated 26.05.2025 and 02.06.2025 were found false and misleading contrary to records and legally untenable and there is a delay of more than 25 days in providing the documents without any reason/justification against RTI application from R-2.
- e. Aggrieved by the order dated 04.06.2025 passed by the Assistant Registrar, the Petitioner has filed the present petition under Section 116 of the DCS Act, 2003.
- f. The Counsel for the Petitioner referred to Section 139(2) of the DCS Act, 2003 in support of his case that all the information and documents were provided to R-2 herein, which are reproduced hereunder:

*"139 (2) - Where a member or creditor having interest in affairs of a society seeking information prefers an appeal to the Registrar stating that the officer of the society without any reasonable cause, has refused to receive his application for providing information or has not furnished information within the time specified under sub-section (1) or has refused the request for information or knowingly given incorrect information or obstructed in any manner in furnishing the information, the Registrar, after affording a reasonable opportunity of being heard to the officer of the society and the appellant, may either reject the appeal; or direct the officer of the society to furnish information within the period specified in the order or such extended period as may be allowed, and in case of default the Registrar may impose a penalty of two hundred and fifty rupees each day till the information is furnished, so however, the total amount of such penalty shall not exceed ten thousand rupees which shall be recoverable as arrears of land revenue in case of default in payment."*

3. The Counsel for Petitioner further contended that in context of above cited Act, the period of penalty was to be counted from the date of filing of RTI by R-2 herein which is 30 days. The Assistant Registrar imposed the penalty of Rs.5,000/- vide order dated 04.06.2024 which is beyond the period of 30 days of filing of RTI application by R-2. The Petitioner questioned imposition of penalty on Information Officer beyond expiry of 30 days of filing of RTI application because as per Petitioner, the Assistant Registrar cannot impose penalty as per provision of the Act. Therefore, the penalty order dated 04.06.2024 is not legally valid. However, the Petitioner failed to explain as to which provision of Act is violated in the present case.
4. In rebuttal, the Counsel for RCS submitted that the correct & complete information has not been provided by Petitioner despite period of 30 days having elapsed. The information was provided during the proceedings before Assistant Registrar on 08.05.2025. The Information Officer was directed to submit an explanation as to why penalty should not be imposed upon her which was provided to R-2 after a delay of 25 days of filing of RTI application dated 10.03.2025. The reply filed by the Treasurer of the Society were not justified and acceptable. Consequently, the Assistant Registrar (Section-6 Branch), imposed a penalty of Rs.5,000/- on the Information Officer to be paid from her personal pocket, as per the provisions of Section 139 of DCS Act 2003 read with Rule 165 of DCS Rules 2007, with further direction to deposit the penalty amount in Cooperative Education Fund in the Office of Registrar Cooperative Societies, within ten (10) days from the receipt of this Order failing which the amount of Rs.5,000/- was to be recovered from Smt. Rama Khandelwal as arrears of land revenue.
5. The R-1, RCS also submitted that the member/R-2 had sought information from the Society through an RTI application dated 10.03.2025. As no response was received from the Society, R-2 filed an appeal under Section 139 of the DCS Act, 2003 read with Rule 165 of

the DCS Rules, 2007. Thereafter, the Treasurer of society submitted the documents before the Appellate Authority on 08.05.2025. It is also submitted that the society is constantly not providing information and documents within mandated time period of 30 days without any reasonably acceptable reasons, therefore, three penalties of Rs.10,000/- vide order dated 10.06.2024, Rs.7,000/- vide order dated 09.08.2024 and Rs.7,500/- vide order dated 04.06.2025 were imposed on the Information Officer. Out of these three penalties, two penalties amounting to Rs.10,000/- & Rs.7,000/- have already been recovered from the Information Officer.

6. The RCS placed reliance on judgment dated 15.01.2016 in WPC No.6538/2014 titled Rattan Gupta Vs. Lt.Governor of Delhi & Ors. on the point that once penalty has been imposed under the provisions of Section 139 of DCS Act, 2003 by the office of RCS, the same cannot be withdrawn.
7. From the perusal of the record, it is seen that the office of RCS passed reasoned and speaking orders dated 04.06.2025 imposing penalty of Rs.5,000/- on Petitioner due to failure on the part of the Petitioner to furnish complete information and documents in time.
8. Thus, there was clear attempt on the part of Petitioner to delay the information and frustrate R-2 with incomplete and misleading information. The information need to be supplied promptly and in time, as delay is akin to a 'deemed refusal' and undermines transparency. Delayed information can make it irrelevant as timely decision-making by applicant gets impacted, including incapability to prevent illegality or arbitrariness, as also give an opportunity to create a misleading information.

9. In view of all the foregoing, this court is of the considered view that the present case does not require any interference from this Court at this stage. Accordingly, the revision petition bearing No.184/2025 titled ***Rama Khandelwal (Secretary/I.O.) Riviera CGHS Ltd.*** ***Vs. Registrar Cooperative Societies & Anr.*** is dismissed.

10. File be consigned to the record room after completion.

(Prashant Goyal)  
Financial Commissioner  
Delhi

**Rama Khandelwal (Secretary/I.O.) Riviera CGHS Ltd  
Vs.  
Registrar Cooperative Societies & Anr.**

09.01.2026

Present : Shri Anuj Dhir, Counsel for Petitioner.  
: Ms. Vasu Singh, Counsel for R-1, RCS.

1. Heard the parties.
2. The case of the Petitioner is that :
  - a. R-2, Shri Gagan Marwah, sought certain information and documents under Section 139 of the DCS Act, 2003 on 01.02.2025 received on 04.02.2025 from the Secretary/Information Officer of the Riviera CGHS Ltd/Petitioner herein. The Information Officer furnished the information to R-2 on 01.03.2025. However, as the R-2 did not get complete information and documents from the Petitioner, he filed another application on 10.03.2025. The R-2 filed two reminders dated 18.03.2025 & 25.03.2025. Consequently, the R-2 filed appeal under Section 139 of the DCS Act, 2003 before the Appellate Authority i.e. Assistant Registrar, S-6/H branch of RCS on 01.04.2025 and summons were issued to the parties.
  - b. However, during the proceedings on 08.05.2025 before the Assistant Registrar (Section-6 Branch), the Treasurer of the Society handed over copies of certain documents. However, the R-2 kept on asking for other documents during the proceedings before the Assistant Registrar. As such there was no wilful default on the part of the Information Officer. The Information Officer provided all the information and documents to the R-2 on 08.05.2025 before the Assistant Registrar.

- c. Consequently, the Assistant Registrar (Appellate Authority) after taking into account the contentions of both the sides vide order dated 04.06.2025 imposed penalty of Rs.7,500/- under Section 139 of the DCS Act, 2003 as the contentions of the society raised in its replies dated 26.05.2025 and 02.06.2025 were found false and misleading contrary to records and legally untenable and there is a substantial delay in providing the documents without any reason/justification against RTI application from R-2.
- d. Aggrieved by the order dated 04.06.2025 passed by the Assistant Registrar, the Petitioner has filed the present petition under Section 116 of the DCS Act, 2003.
- e. The Counsel for the Petitioner referred to Section 139(2) of the DCS Act, 2003 in support of his case that all the information and documents were provided to R-2 herein, which are reproduced hereunder:

*"139 (2) - Where a member or creditor having interest in affairs of a society seeking information prefers an appeal to the Registrar stating that the officer of the society without any reasonable cause, has refused to receive his application for providing information or has not furnished information within the time specified under sub-section (1) or has refused the request for information or knowingly given incorrect information or obstructed in any manner in furnishing the information, the Registrar, after affording a reasonable opportunity of being heard to the officer of the society and the appellant, may either reject the appeal; or direct the officer of the society to furnish information within the period specified in the order or such extended period as may be allowed, and in case of default the Registrar may impose a penalty of two hundred and fifty rupees each day till the information is furnished, so however, the total amount of such penalty shall not exceed ten thousand rupees which shall be recoverable as arrears of land revenue in case of default in payment."*

- 3. The Counsel for Petitioner further contended that in context of above cited Act, the period of penalty was to be counted from the date of filing of RTI by R-2 herein which is 30 days.

The Assistant Registrar imposed the penalty of Rs.7,500/- vide order dated 04.06.2024 which is beyond the period of 30 days of filing of RTI application by R-2. The Petitioner questioned imposition of penalty on Information Officer beyond expiry of 30 days of filing of RTI application because as per Petitioner, the Assistant Registrar cannot impose penalty as per provision of the Act. Therefore, the penalty order dated 04.06.2024 is not legally valid. However, the Petitioner failed to explain as to which provision of Act is violated in the present case.

4. In rebuttal, the Counsel for RCS submitted that the correct & complete information has not been provided by Petitioner despite period of 30 days having elapsed. The information was provided during the proceedings before Assistant Registrar on 08.05.2025. The Information Officer was directed to submit an explanation as to why penalty should not be imposed upon her which was provided to R-2 after a substantial delay of filing of RTI application dated 01.02.2025. The replies filed by the Treasurer of the Society were not justified and acceptable. Consequently, the Assistant Registrar (Section-6 Branch), imposed a penalty of Rs.7,500/- on the Information Officer to be paid from her personal pocket, as per the provisions of Section 139 of DCS Act 2003 read with Rule 165 of DCS Rules 2007, with further direction to deposit the penalty amount in Cooperative Education Fund in the Office of Registrar Cooperative Societies, within ten (10) days from the receipt of this Order failing which the amount of Rs.7,500/- was to be recovered from Smt. Rama Khandelwal as arrears of land revenue.
5. The R-1, RCS also submitted that the member/R-2 had sought information from the Society through an RTI application dated 01.02.2025. As no response was received from the Society despite reminders dated 10.03.2025, 18.03.2025 & 25.03.2025, R-2 filed an appeal on 01.04.2025 under Section 139 of the DCS Act, 2003 read with Rule 165 of the DCS Rules, 2007. It is

also submitted that the society is constantly not providing information and documents within mandated time period of 30 days without any reasonably acceptable reasons, therefore, three penalties of Rs.10,000/- vide order dated 10.06.2024, Rs.7,000/- vide order dated 09.08.2024 and Rs.5,000/- vide order dated 04.06.2025 were imposed on the Information Officer. Out of these three penalties, two penalties amounting to Rs.10,000/- & Rs.7,000/- have already been recovered from the Information Officer.

6. The RCS placed reliance on judgment dated 15.01.2016 in WPC No.6538/2014 titled Rattan Gupta Vs. Lt.Governor of Delhi & Ors. on the point that once penalty has been imposed under the provisions of Section 139 of DCS Act, 2003 by the office of RCS, the same cannot be withdrawn.
7. From the perusal of the record, it is seen that the office of RCS passed reasoned and speaking orders dated 04.06.2025 imposing penalty of Rs.7,500/- on Petitioner due to failure on the part of the Petitioner to furnish complete information and documents in time.
8. Thus, there was clear attempt on the part of Petitioner to delay the information and frustrate R-2 with incomplete and misleading information. The information need to be supplied promptly and in time, as delay is akin to a 'deemed refusal' and undermines transparency. Delayed information can make it irrelevant as timely decision-making by applicant gets impacted, including incapability to prevent illegality or arbitrariness, as also give an opportunity to create a misleading information.
9. In view of all the foregoing, this court is of the considered view that the present case does not require any interference from this Court at this stage.

Accordingly, the revision petition bearing No.185/2025  
titled ***Rama Khandelwal (Secretary/I.O.) Riviera CGHS Ltd.***  
***Vs. Registrar Cooperative Societies & Anr.*** is dismissed.

10. File be consigned to the record room after completion.

(Prashant Goyal)  
Financial Commissioner  
Delhi

**Sankait Dhawan, Treasurer, Riviera CGHS Ltd.**  
**Vs.**  
**Registrar Cooperative Societies & Anr.**

09.01.2026

Present : Shri Anuj Dhir, Counsel for Petitioner.  
: Ms. Vasu Singh, Counsel for R-1, RCS.

1. Heard the parties.
2. The case of the Petitioner is that :
  - a. R-2, Shri Gagan Marwah, sought certain information and documents under Section 139 of the DCS Act, 2003 on 03.02.2025 from the Secretary/Information Officer of the Riviera CGHS Ltd. The Information Officer furnished the information to R-2 on 01.03.2025. However, as the R-2 did not get complete information and documents from the Petitioner, he filed reminders dated 10.03.2025, 18.03.2025 & 25.03.2025. Consequently, the R-2 filed appeal under Section 139 of the DCS Act, 2003 before the Appellate Authority i.e. Assistant Registrar, S-6/H branch of RCS on 01.04.2025 and summons were issued to the parties.
  - b. During the proceedings on 08.05.2025 before the Assistant Registrar (Section-6 Branch), the Treasurer of the Society submitted that the information i.e. copies of certified copy of letter of society whereby agenda notice dated 10.10.2024 and copy of certified copy of letter of society vide which video recording of AGBM held on 27.10.2024 was submitted before the RCS. The Petitioner herein through reply dated 01.03.2025 informed the R-2 that the above documents are not available with the Society. As regards, set of CD or Pen Drive of video recording of AGBM held on 27.10.2024, it was informed that the same is not covered under RTI

Act. As such there was no wilful default on the part of the Information Officer. The Pen Drive was supplied to R-2 herein by the Society was handed over on 19.05.2025.

- c. Consequently, the Assistant Registrar (Appellate Authority) after taking into account the contentions of both the sides vide order dated 05.06.2025 imposed penalty of Rs.10,000/- under Section 139 of the DCS Act, 2003 as the reply dated 02.06.2025 submitted by the Petitioner herein was not found satisfactory.
- d. Aggrieved by the order dated 05.06.2025 passed by the Assistant Registrar, the Petitioner has filed the present petition under Section 116 of the DCS Act, 2003.
- e. The Counsel for the Petitioner referred to Section 139(2) of the DCS Act, 2003 in support of his case that all the information and documents were provided to R-2 herein, which are reproduced hereunder:

*"139 (2) - Where a member or creditor having interest in affairs of a society seeking information prefers an appeal to the Registrar stating that the officer of the society without any reasonable cause, has refused to receive his application for providing information or has not furnished information within the time specified under sub-section (1) or has refused the request for information or knowingly given incorrect information or obstructed in any manner in furnishing the information, the Registrar, after affording a reasonable opportunity of being heard to the officer of the society and the appellant, may either reject the appeal; or direct the officer of the society to furnish information within the period specified in the order or such extended period as may be allowed, and in case of default the Registrar may impose a penalty of two hundred and fifty rupees each day till the information is furnished, so however, the total amount of such penalty shall not exceed ten thousand rupees which shall be recoverable as arrears of land revenue in case of default in payment."*

- 3. The Counsel for Petitioner further contended that in context of above cited Act, the period of penalty was to be counted from the date of filing of RTI by R-2 herein which is 30 days.

The Assistant Registrar imposed the penalty of Rs.10,000/- vide order dated 05.06.2024 which is beyond the period of 30 days of filing of RTI application by R-2. The Petitioner questioned imposition of penalty on Information Officer beyond expiry of 30 days of filing of RTI application because as per Petitioner, the Assistant Registrar cannot impose penalty as per provision of the Act. Therefore, the penalty order dated 05.06.2024 is not legally valid. However, the Petitioner failed to explain as to which provision of Act is violated in the present case.

4. In rebuttal, the Counsel for RCS submitted that the correct & complete information has not been provided by Petitioner despite period of 30 days having elapsed. The information was provided on 19.05.2025. The Petitioner herein was directed to submit an explanation as to why penalty should not be imposed upon him which was provided to R-2 after a substantial delay of filing of RTI application dated 01.02.2025. The reply filed by the Treasurer of the Society was not justified and acceptable. Consequently, the Assistant Registrar (Section-6 Branch), imposed a penalty of Rs.10,000/- on the Petitioner to be paid from her personal pocket, as per the provisions of Section 139 of DCS Act 2003 read with Rule 165 of DCS Rules 2007, with further direction to deposit the penalty amount in Cooperative Education Fund in the Office of Registrar Cooperative Societies, within ten (10) days from the receipt of this Order failing which the amount of Rs.10,000/- was to be recovered from Smt. Rama Khandelwal as arrears of land revenue.
5. The R-1, RCS also submitted that the member/R-2 had sought information from the Society through an RTI application dated 01.02.2025. As the complete information and documents were not received from the Society despite reminders dated 10.03.2025, 18.03.2025 & 25.03.2025, R-2 filed an appeal on 01.04.2025 under Section 139 of the DCS Act, 2003 read with Rule 165 of the DCS Rules, 2007. It is also submitted that the society is constantly not providing

information and documents within mandated time period of 30 days without any reasonably acceptable reasons, therefore, three penalties of Rs.10,000/- vide order dated 10.06.2024, Rs.7,000/- vide order dated 09.08.2024 and Rs.5,000/- vide order dated 04.06.2025 have already been imposed on the Information Officer. Out of these three penalties, two penalties amounting to Rs.10,000/- & Rs.7,000/- have already been recovered from the Information Officer.

6. The RCS placed reliance on judgment dated 15.01.2016 in WPC No.6538/2014 titled Rattan Gupta Vs. Lt.Governor of Delhi & Ors. on the point that once penalty has been imposed under the provisions of Section 139 of DCS Act, 2003 by the office of RCS, the same cannot be withdrawn. As regards submission of Pen Drive which was initially denied, the RCS has relied on its Circular dated 26.12.2019 wherein it is specifically directed that in order to bring transparency in the functioning of Cooperative Societies registered with this office, all Cooperative Societies are hereby directed to videograph their General Body Meeting and upload the same in their website and furnish a CD to the RCS office.
7. From the perusal of the record, it is seen that the office of RCS passed reasoned and speaking orders dated 05.06.2025 imposing penalty of Rs.10,000/- on Petitioner due to failure on the part of the Petitioner to furnish complete information and documents in time.
8. Thus, there was clear attempt on the part of Petitioner to delay the information and frustrate R-2 with incomplete and misleading information. The information need to be supplied promptly and in time, as delay is akin to a 'deemed refusal' and undermines transparency. Delayed information can make it irrelevant as timely decision-making by applicant gets

impacted, including incapability to prevent illegality or arbitrariness, as also give an opportunity to create a misleading information.

9. In view of all the foregoing, this court is of the considered view that the present case does not require any interference from this Court at this stage. Accordingly, the revision petition bearing No.186/2025 titled ***Sankait Dhawan (Treasurer) Riviera CGHS Ltd. Vs. Registrar Cooperative Societies & Anr.*** is dismissed.

10. File be consigned to the record room after completion.



(Prashant Goyal)  
Financial Commissioner  
Delhi

09.01.2026

Present : Ms. Neeta Bahl, SPA holder for Petitioner.  
: Ms. Vasu Singh, Counsel alongwith Shri Raj Kumar, Sr.  
Asstt. for R-1, RCS.  
: Shri Deepak, Proxy Counsel for R-2.  
: Shri Rajiv Vig, Counsel for R-3, Society.

1. The representative for 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 the 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. 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.
2. Counsel for R-1, RCS submitted that the petitioner claimed membership of R-3, Society since 09.06.1978 and relied upon a waiting list prepared in the year 1982, wherein he was placed at Serial No.11 and the said waiting list was never a vested right for allotment and several plots were under dispute at the relevant time.
3. Counsel for R-1, RCS further submitted that Plot No.124 was earlier allotted to Smt. Krishna Chopra, whose membership was cancelled by the Land & Building Department w.e.f. 11.03.1980. Pursuant to directions of the Hon'ble High Court in WP(C) No.9141/2024, the petitioner's representation dated 14.11.2022 was duly considered by the RCS and decided by a reasoned

speaking order dated 07.10.2024, whereby the petitioner's claim was rejected.

4. Counsel for R-1, RCS further submitted that as per directions dated 22.02.1984 of the RCS, waiting lists in cooperative house building societies were not to be maintained. Accordingly, the waiting list prepared in 1982 was scrapped by the society vide resolution dated 06.10.2019. Further, the petitioner was not eligible for allotment of a plot as he did not fulfil the mandatory condition of having a residential address within the area of operation of the society (within 8 miles) at the time of enrolment, in violation of the society's bye-laws and petitioner herein has no legal right or enforceable claim for allotment of Plot No.124, and the impugned order dated 07.10.2024 has been passed in accordance with law and applicable rules.
5. Counsel for R-3, Society filed reply and copy of the same is given to the parties. Counsel for R-3 submitted in its reply that Petitioner herein is not a member of the Society. His membership was cancelled on September 24, 1978, because he did not meet the residency requirements. This cancellation was confirmed by the RCS on October 1, 1982, and was never legally challenged by the Petitioner. Since the Petitioner failed to dispute his termination for over 40 years, his claims are now barred by limitation and unreasonable delay. He cannot seek relief decades after the cause of action arose.
6. R-3, Society further contended that after following RCS directions, the Society officially scrapped its waiting list in 2019. Therefore, the Petitioner has no legal standing to claim any priority or allotment as a "waiting list member." The R-3, Society followed all legal procedures under the DCS Act and Rules for the fresh allotment of Plot No. 124. This included issuing public notices in newspapers in November 2023. The Petitioner failed to raise any valid objections during the notice period.

7. SPA for Petitioner requested for adjournment and undertook to come prepared for arguments after going through the reply of R-1, RCS and R-3, Society. Request is allowed.
8. This Court vide order 28.11.2025 deleted/discharged R-2, L&B Department from the array of parties as Petitioner herein has no objection to that.
9. The Petitioner, Society and RCS will file their brief written submissions to this Court by 30<sup>th</sup> January 2026.
10. Adj. to 05.02.2026 for further arguments.



**Financial Commissioner  
Delhi**

09.01.2026

Present : Prof. K. C. Gandhi, Petitioner No.1 person.  
: Ms. Vasu Singh, Counsel for R-2, RCS.  
: Shri Sanjay Kumar Jha, Supervisor of R-1/Society.

1. Petitioner no.1 and representative of R-1/Society requested for adjournment as their counsels are not available. The request is allowed. However, no further adjournment will be sought.
2. R-1/Society is directed to file the copy of minutes/resolutions of the General Body of the Society which allowed expenditure before the next date of hearing. The petitioner would submit the General Body resolution which did not agree to such expenditure on refurbishment of welcome room.
3. Adj. to 22.01.2026



**Financial Commissioner  
Delhi**

**Case No. 143 of 2025**  
**Shri Neeraj Dhawan & Anr.**  
**Vs.**  
**Registrar of Cooperatives Societies & Anr.**

09.01.2026

Present : Shri M. K. Jha, Counsel for Petitioner.  
: Ms. Vasu Singh, Counsel for R-1, RCS.  
: Shri Rajiv Vig, Counsel for R-2.

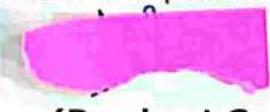
1. The present revision petition has been filed by the petitioner under Section 116 of the Delhi Cooperative Societies Act, 2003 challenging the impugned order dated 03.05.2024 and dated 09.08.2024 (on review application) passed by the Ld. Registrar Cooperative Societies (RCS).
2. Brief facts of the case are that the petitioners were looking for separate flat for their two sons as the flat owned by Petitioner No.1 was not spacious enough to accommodate three families. Both the sons were major at that point of time and remained out of Delhi due to their job constraints. Therefore, the petitioners took membership of R-2, Society in the year 2018 after clearly informing the Society about already having flat in Dwarka. On the advice of the then M.C., the membership was obtained by the petitioners due to non-availability of their sons being out of town/country. The Society accepted their membership and enrolled them as membership no.936. Thereafter, the petitioners with the help of their sons paid substantial cost of Rs.2.6 Crores towards the flat. The then MC of the Society was involved in financial irregularities and illegalities in managing the affairs of the Society due to which several complaints were made by vigilant members against some members that they are having other residential properties in addition to the membership of R-2, Society. Accordingly, the President of the Society issued show cause notice on 12.11.2021 to

petitioners also to explain about owning residential property bearing no. A-21, Golf View Apartment, Sector-19B Dwarka, New Delhi. The RCS vide order dated 03.05.2024 ceased the membership of the petitioners herein for having attracted the provisions of Rule-20(1)(c)(i) and (iii) of DCS Rules, 2007 read with Section 41 of DCS Act, 2003.

3. Counsel for petitioner contended that the joint membership of respondent Society was acquired in the year 2018. The petitioners have opted for five bed room flat and paid a sum of Rs.2.60 Cr. approx. towards the cost of the flat. The Counsel for Petitioners further contended that their property, i.e. A-21, Golf View Apartment, Sector-19B Dwarka, New Delhi was situated in a ten storied building and the share of the petitioner no.1 in the said building is less than 66.72 sq. meter. Therefore, the provisions of Rule-20(1)(c)(i) and (iii) of DCS Rules, 2007 are not attracted in the present case as the share of petitioner in a building of ten floors is less than the permitted limit of 66.72 sq. meter. It is also brought on record that elections of the Society were held and new M.C. took charge of Society on 14.05.2023. In the meanwhile, the petitioners applied for transfer of their joint membership in favour of their sons, Vaibhav Dhawan and Anubhav Dhawan, which was allowed by the Society subject to approval of the RCS. The new MC also requested the RCS for withdrawal of the petitions illegally filed ex-President against 17 members.
4. Counsels for R-1, RCS and R-2, Society both submitted that there have been several cases of similar nature wherein membership of members of the Bhagwati CGHS were ceased by the RCS on similar grounds. Moreover, this Court had remanded

similar case of the same Society to the RCS for revisiting the case as is done in case no.135 of 2025 vide order dated 16.10.2025. Accordingly, both the counsels agreed that similar decision may kindly be taken in the present case also and case may be remanded back to the RCS.

5. In the light of the above, this Court is of the considered view that if the share of the petitioner no.1 in the property already owned is less than 66.72 sq. meter, which is the permissible limit prescribed under Proviso to Rule-20(1) of DCS Rules, 2007, then prima facie it appears that the disqualification of petitioners herein is not attracted. The RCS is free to take further action in the matter.
6. Keeping in view the averments made by the Counsel for R-1, RCS and R-2, Society, the matter is remanded back to the Ld. RCS to verify the claims of petitioner, take into consideration the provisions of law as well as the judgements relied upon by the petitioners as well as R-2/Society i.e. **DDA Vs. Jitender Pal Bhardwaj** (2010) 1SCC 146, **Kalu Ram Sharma Vs. the Financial Commissioner, Delhi**, WPC No.794/2012 and **Bindiya Aggarwal Vs. RCS & Anr.** WPC No.2550/2011, and then pass a speaking and reasoned order after hearing all the parties preferably within next three months.
7. With the above directions, the revision petition no.143/2025 titled "**Shri Neeraj Dhawan & Anr. Vs. Registrar of Cooperatives Societies & Anr.**" is disposed of.
8. File be consigned to record room after completion.



(Prashant Goyal)  
Financial Commissioner  
Delhi

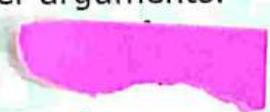
09.01.2026

Present : Shri Ashok Tomar, Counsel for Petitioner.  
: None for R-1, Society  
: Ms. Vasu Singh, Counsel alongwith Shri Sameer  
Shandilya, Sr., Asstt. for R-2, RCS.

1. Counsel for Petitioner contended that the petitioner is a bona fide member of R-1, Society. She became a member vide Membership No. 109 on 18.05.1998 and received her share certificate on 10.01.1999. On 26.07.2011, R-2, RCS issued a Show Cause Notice alleging the petitioner owned/ acquired H.No. C-3/72 (270 sq. mtrs.) in Janak Puri, New Delhi, since 1996—before her membership—and that her husband held Membership No. 161 in the society. This allegedly disqualified her under Rule 20(1)(c)(i) of the DCS Rules 2007. Thereafter, R-2, RCS vide order dated 14.03.2017 ceased her membership from 18.05.1998. The petitioner in its reply dated 29.09.2016, denied the allegations and asserting no disqualification.
2. Further, aggrieved by the order dated 14.03.2017, the petitioner challenged the order before this Court, which was remanded vide order dated 29.08.2023 with the direction to the RCS to pass a speaking order after hearing. After arguments, R-2, RCS passed the impugned order dated 26.05.2025 by ceasing her membership. Aggrieved by this impugned order, the petitioner filed the present revision petition.
3. Counsel for R-2, RCS filed reply and copy of the same is given to the Petitioner. R-2, RCS in its reply contended that the appellant, Smt. Meeta Mittal (Membership No. 109), joined R-1, Society in 1999, after the 1996 cut-off for eligibility. Her husband,

Sh. Devender Kumar Mittal (Membership No. 161), joined in 2000. However, Sh. Devender had already acquired a residential property at H.No. C-3/72, Janak Puri, New Delhi (270 sq. mtrs.) vide conveyance deed dated 17.10.1996, executed through a power of attorney from Sh. Varinder Dhaul. Under Rule 20(1)(c)(i) of the DCS Rules, 2007, membership is disqualified if the applicant, their spouse, or dependent children own a residential house or plot in Delhi on leasehold, freehold, power of attorney, or agreement basis. This rule prevents multiple allotments to families already owning property in Delhi. Since Sh. Devender owned the property before Smt. Meeta's membership, both were ineligible post-1996.

4. R-2, RCS further contended that a CBI case (RC DST/2007/S/0001) was registered in 2007 based on Delhi High Court directions (CWP 10066/2004), recommending cancellation of membership. Hearings were held on 23.08.2011. The R-2, RCS order dated 14.03.2017 was remanded back to the RCS by the then Financial Commissioner (Revision No. 113/2017) dated 29.08.2023 for a reasoned decision. Thereafter, the R-2, RCS passed an impugned order dated 26.05.2025 disqualifying membership. The appellant concealed these facts before the Court of the Financial Commissioner and misquoted the RCS order dated 26.05.2025.
5. Adj. to 30.01.2026 for further arguments.



**Financial Commissioner  
Delhi**

09.01.2026

Present : Shri Neel Mani Kant Das, Associate Counsel for Petitioner.  
: Shri Ramesh Chand, R-1 in person.  
: Ms. Vasu Singh, Counsel alongwith Shri Sameer Shandilya, Sr. Asstt. for R-2, RCS.

1. Associate Counsel for Petitioner requested to pass over the matter as the main Counsel is on way.
2. Case is passed over.

**Financial Commissioner  
Delhi**

Case is again taken up at 12.15 p.m.

Present : Shri Neel Mani Kant Das, Associate Counsel for Petitioner.  
: Shri Ramesh Chand, R-1 in person.  
: Ms. Vasu Singh, Counsel alongwith Shri Sameer Shandilya, Sr. Asstt. for R-2, RCS.

1. Associate Counsel for Petitioner requested for adjournment as the main Counsel is unable to reach to contest the proceedings. Request is allowed with a cost of Rs.5000/- to be deposited with DDO, GAD, GNCTD and file the receipt of payment before the next date of hearing.
2. R-1 submitted that he purchased a Flat No. 53 from Smt. Asha Upadhyay vide registered Sale Deed dated 13.09.2023. Thereafter, he applied for membership on 03.10.2023, followed by reminder on 02.12.2023. After getting no response from the Petitioner Society, R-1 filed an appeal under Section 91 of DCS Act 2003 on 15.12.2023 before the RCS. The Addl. RCS vide order dated 11.07.2025 issued direction to the Petitioner, Society to grant membership. Aggrieved by this order, the Petitioner, Society has filed the

present revision. He further submitted that he requested the M/C to specify any discrepancies in his application/ documents for not granting him the membership.

3. Counsel for R-2, RCS submitted in its reply that the Petitioner, Society is registered under DCS Act vide No. 770(GH). R-1 herein purchased a Flat No. 53 from Smt. Asha Upadhyay and applied for membership, which the Petitioner Society denied. Aggrieved, R-1 appealed u/s 91 DCS Act on 15.12.2023 before RCS. The Addl. RCS vide order dated 11.07.2025 directed Society to grant membership within 15 days, after completion of necessary codal formalities of documents as per Rule 92(6) of DCS Act. Petitioner, Society's claim of expulsion u/s 86(1) failed, as R-1 was never enrolled as member, barring initiation of expulsion. Petitioner, Society flouted the order and RCS noted non-compliance vide letter dt. 05.08.2025 of R-1 and RCS directed the Petitioner, Society compliance vide letter dated 10.09.2025, yet Society failed to comply the same. The impugned order is lawful under DCS Act & Rules post due hearings. Petitioner's revision lacks merit and deserves dismissal of the petition.
4. Adj. to 22.01.2026 for further arguments.



**Financial Commissioner  
Delhi**