

Case No. 201 of 2025

15.01.2026

Present : Shri Prajwal Sharma, Counsel alongwith Shri Rajesh Kumar, Petitioner in person.
: Ms. Vasu Singh, Counsel R-1, RCS.
: Shri Deepak Mittal, MTS for R-2, Society.

1. Counsel for petitioner submitted that the petitioner is a surety. He filed an application before the RCS offering to pay his share of the loan amount but the Society and the RCS have not taken any initiative in this regard. Petitioner further submitted that he is willing to pay his part as surety.
2. Representative of R-2/Society submitted that R-3, principal borrower had expired in the year 2023 and Rs.1 lakh approx. has been recovered from him out of the loan amounting to Rs.2.7 lakh taken in 2014. R-2/Society further submitted that there are two Govt. employees as sureties and one of them is the petitioner, so after death of principal borrower, recovery lies from sureties.
3. The Society is directed to clarify as to what steps have been taken by it to recover the loan amount from the LRs of the principal borrower, as well as from the other surety. Further, to clarify how the wife of Principal borrower became one of the four sureties in the present case since in a normal case their financial fates move together. Petitioner is also directed to approach the Society to attempt to settle the amount through mutual consent.
4. Adj. to 29.01.2026 for arguments.

**Financial Commissioner
Delhi**

15.01.2026

Present : Ms.Rachna Dalal, Proxy Counsel for Petitioner.
: Ms.Vasu Singh, Counsel alongwith Shri Gaurav, Sr.
Asstt. & Mr.Shahid, Sr.Assistant for R-1, RCS.
: Shri Sandeep Kumar, Counsel for R-2 Society.

1. The main Counsel for Petitioner is not present and is represented by Proxy Counsel. The main contention of the Petitioner as per revision petition is Section 91 of the DCS Act, 2003 read with DCS Rules, 2007 is regarding transfer of membership. The Impugned order dated 25.08.2025 has been wrongly passed by R-1, RCS whereby membership of 10 applicants were revoked.
2. The Counsel for R-1, RCS filed brief reply to the revision petition filed by the Petitioner and copy of the same is supplied to the Petitioner as well as to R-2.
3. The R-1, RCS submitted that the vide letter dated 10.07.2025, the Addl. RCS had accorded administrative approval for grant of membership to 10 applicants of society under Section 91 of the DCS Act, 2003 on the request of the Administrator of Society, since as per Section 37(3) of DCS Act, 2003, the Administrator is not empowered to enrol new members without the prior approval of RCS. However here, Administrator simply forwarded application of Applicant to grant membership to RCS without any observations/comments.
4. The Counsel for RCS also referred Section 91 of the DCS Act, 2003 which prescribed a specific procedure in this regard. In this case, there is no record of refusal by Society nor any appeal was filed by Petitioner before Addl.RCS. Therefore, the direct grant of administrative approval by the Addl.RCS was beyond his jurisdiction and contrary to the statutory scheme. Further, the Addl.RCS is competent to act only as an Appellate authority under Section 91 of DCS Act, 2003 and does not possess the power of grant membership directly in the absence of an appeal arising out of refusal by the society. The Counsel

further submitted that the present revision petition is misconceived and devoid of merits and not maintainable.

5. In rebuttal, the Counsel for R-2 submitted that the Administrator has power under Section 37 of the DCS Act, 2003 to grant membership to the applicants and the Society should have passed the order to that effect.
6. The Petitioner and R-2 are directed to file its brief written submissions alongwith citations, if any, in support of their averments before the next date of hearing with advance copies to other parties. The RCS would also come prepared and bring out clear legal position on next date of hearing.
7. Adj. to 29.01.2026 for further arguments.


**Financial Commissioner,
Delhi**

Rajiv Gupta
Vs.
The Jevan Sanchay Coop.(U) T/C Society Ltd. & Ors.

15.01.2026

Present : Shri Akshay Bhardwaj, Counsel for Petitioner/Review Applicant.
: Shri Shalender, Manager/A.R for R-1.
: Ms.Vasu Singh, Counsel alongwith Shri Gaurav, Sr. Asstt. & Mr.Shahid, Sr.Assistant for R-5, RCS.

1. The Counsel for Petitioner aggrieved by the order dated 07.11.2025 in revision petition (73/2025) passed by this court, the Petitioner/Review Applicant filed the present review application and contended as under :

i. The counsel of the Applicant submitted that he fell ill and was curing at home since 03.11.2025 so he could not attend the court on 07.11.2025. However, this Hon'ble Court is pleased to dispose-off the Revision Petition No. 73/2025 behind the back of the Petitioner (who had never absented from the previous court proceedings) with the below mentioned observations:

"6. After hearing the arguments of both the respondents, it is noted that the petitioner has taken loan or stood surety in more than nineteen societies. This shows that he is trying to game the system in collusion and avoid paying his legal dues. Hence, the petitioner is given one final opportunity to pay the remaining loan amount specified 13.20% simple interest within three months from this order. The penal interest is waived off and the society is also agreeable for this However. @ 5% of execution charges is to be deposited by Petitioner to the RCS as per 124(b) of DCS Rules, 2007."

ii. That while passing the impugned order, this Hon'ble Court has not even considered the available documents enclosed with the Revision Petition, specifically at page. No. 16, wherein it is apparent on record that the Petitioner/Applicant is regularly paying pending recovering and for the same nearly 70% of his salary is already being attached to pending recoveries through the connivance of Society and office of Registrar Cooperative Societies, GNCTD officials in gross violation of Section 60 of CPC, 1908. It is not considered that even after attachment of nearly 70% of salary of Petitioner/Application he is willing to settle his dues.

- iii. That while passing the Impugned order, this Hon'ble Court had not considered that the statement of account placed on record by the Respondent Society is patently wrong and arbitration costs and recovery costs are included with the loan default and upon that recoveries were made @ 16.20% compounded yearly, which itself is not permissible.
- iv. Apparently, this Hon'ble Court observed and directed the Petitioner/Applicant to make additional payments @ 5% of execution charges by the Petitioner/Applicant as per Rule 124(b) of DCS Rules, 2007. It is wrong on the face of record and no clarification of it was filed by the Respondent Society, till date, which shows the conduct of the Respondent Society. The correct law is Rule 124 (6) of DCS Rules, 2007 (as there is no sub-section (b) in Rules 124 of DCS Rules, 2007. Even otherwise Rule 124 (6) of DCS Rules, 2007 is for the decree holder (Respondent Society) to be complied and does not implied in any way onto the Petitioner/Applicant. Relevant provision is retracted hereinbelow:

Rule-124-Procedure for execution by the collector -

(6) The decree holder shall deposit in the "Settlement and Execution Expense Fund" an initial lump sum fee of one hundred rupees for issue of process in the execution case. Thereafter, a fees of at the rate of five per cent shall be charged on all sums recovered by the Recovery Officer from the judgement debtor, which be credited to the aforesaid fund."

2. On the basis of submitted documents and averments made during hearing, the present Petitioner/Review Applicant failed to bring out any prima facie error apparent of face of record other than in para no.6 of order dated 07.11.2025 where a clerical mistake was done in referencing to 'Rule 124 (b)' instead of 'Rule 124 (6)' of DCS Rules, 2007. The same is corrected and 'Rule 124 (b)'. Hence, there being no other error apparent on face of records as any new additional fact that could have been presented earlier, the review Petition cannot proceed further.

3. Accordingly, the present review application bearing No.217/2025 titled *Rajiv Gupta Vs. The Jevan Sanchay Coop (U) T/C Society Ltd.* is dismissed.

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



(PRASHANT GOYAL)
Financial Commissioner,
Delhi

Rajiv Gupta
Vs.
The Jevan Sanchay Coop.(U) T/C Society Ltd. & Ors.

15.01.2026

Present : Shri Akshay Bhardwaj, Counsel for Petitioner/Review Applicant.
: Shri Shalender, Manager/A.R for R-1.
: Ms.Vasu Singh, Counsel alongwith Shri Gaurav, Sr. Asstt. & Mr.Shahid, Sr.Assistant for R-5, RCS.

1. The Counsel for Petitioner aggrieved by the order dated 07.11.2025 in revision petition (74/2025) passed by this court, the Petitioner/Review Applicant filed the present review application and contended as under :

i. The counsel of the Applicant submitted that he fell ill and was curing at home since 03.11.2025 so he could not attend the court on 07.11.2025. However, this Hon'ble Court is pleased to dispose-off the Revision Petition No. 74/2025 behind the back of the Petitioner (who had never absented from the previous court proceedings) with the below mentioned observations:

"6. After hearing the arguments of both the respondents, it is noted that the award has not been challenged, it has become final. Hence, the petitioner is given one final opportunity to pay the remaining loan amount @ the specified rate of 13.20% simple interest within three months from this order. The penal interest is waived off and the society is agreeable for this. Since, the borrower died before re-paying loan dues; even if that was by way of suicide, the society may extend the relief of waiving interest claims on the loan. Further, @5% of execution charges are to be deposited by Petitioner to the RCS as per 124(b) of DCS Rules, 2007. The society will accordingly share final claims dues to surety to enable Petitioner to pay the same."

ii. That while passing the impugned order, this Hon'ble Court has not even considered the available documents enclosed with the Revision Petition, specifically at page(s) No. 18 to 22 & 25 & 29 to 35, wherein the efforts put-in by the Petitioner/Applicant are apparent on record. The Petitioner/Applicant is regularly paying pending recovering and for the same nearly 70% of his salary is already being

attached to pending recoveries through the connivance of Society and office of Registrar Cooperative Societies, GNCTD officials in gross violation of Section 60 of CPC, 1908. It is not considered that even after attachment of nearly 70% of salary of Petitioner/Application he is willing to settle his dues.

- iii. That while passing the Impugned order, this Hon'ble Court had not considered that the statement of account placed on record by the Respondent Society is patently wrong and arbitration costs and recovery costs are included with the loan default and upon that recoveries were made @ 16.20% compounded yearly, which itself is not permissible.
- iv. Apparently, this Hon'ble Court observed and directed the Petitioner/Applicant to make additional payments @ 5% of execution charges by the Petitioner/Applicant as per Rule 124(b) of DCS Rules, 2007. It is wrong on the face of record and no clarification of it was filed by the Respondent Society, till date, which shows the conduct of the Respondent Society. The correct law is Rule 124 (6) of DCS Rules, 2007 (as there is no sub-section (b) in Rules 124 of DCS Rules, 2007. Even otherwise Rule 124 (6) of DCS Rules, 2007 is for the decree holder (Respondent Society) to be complied and does not implied in any way onto the Petitioner/Applicant. Relevant provision is retracted hereinbelow:

Rule-124-Procedure for execution by the collector -

(6) The decree holder shall deposit in the "Settlement and Execution Expense Fund" an initial lump sum fee of one hundred rupees for issue of process in the execution case. Thereafter, a fees of at the rate of five per cent shall be charged on all sums recovered by the Recovery Officer from the judgement debtor, which be credited to the aforesaid fund."

2. On the basis of submitted documents and averments made during hearing, the present Petitioner/Review Applicant failed to bring out any prima facie error apparent of face of record other than in para no.6 of order dated 07.11.2025 where a clerical mistake was done in referencing to 'Rule 124 (b)' instead of 'Rule 124 (6)' of DCS Rules, 2007. The same is

corrected and 'Rule 124 (b)'. Hence, there being no other error apparent on face of records as any new additional fact that could have been presented earlier, the review Petition cannot proceed further.

3. Accordingly, the present review application bearing No.218/2025 titled ***Rajiv Gupta Vs. The Jevan Sanchay Coop (U) T/C Society Ltd. & Ors.*** is dismissed.

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



(PRASHANT GOYAL)
Financial Commissioner,
Delhi

Case No. 95 of 2025

15.01.2026

Present : Shri Akshay Bhardwaj, Counsel for Petitioner.
: Shri R. P. Sahoo, Counsel for R-1, T/C Society.
: Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr.
Asstt. for R-5, RCS.

1. Counsel for Petitioner failed to deposit the cost of Rs.2000/- which was imposed on the last date of hearing i.e. 21.11.2025. Petitioner is directed to deposit the same and file the receipt before the next date of hearing. Counsel for Petitioner further submitted that the amicable settlement is proceeding between the parties out of the court and again requested time for the same.
2. R-1, T/C Society failed to deposit the cost of Rs.5000/- which was imposed on the last date of hearing i.e. 21.11.2025. R-1, T/C Society is directed to deposit the same and file the receipt before the next date of hearing. Counsel for R-1, T/C Society has no objection to settle the dispute amicably out of the Court.
3. Counsel for R-5, RCS contended that the Petitioner herein assailed the impugned order dated 25.03.2025 issued by Assistant Collector Grade-I/II, RCS which is the attachment order. However, the award dated 18.08.2023 passed by the Sole Arbitrator, Nominee of RCS, Delhi has not been challenged by the Petitioner before the appropriate forum till date.
4. On the query raised by this Court to the Counsel for Petitioner regarding why the award not challenged before the appropriate forum. In response, Counsel for Petitioner submitted that he did not have relevant/ sufficient documents at that time to file the

same before appropriate forum. Petitioner further undertook to approach the appropriate forum if the settlement does not come through.

5. In view of the above, final opportunity is given to both the parties to make attempt to settle the dispute amicably out of the Court and if Petitioner fails to settle the dispute, Petitioner is at liberty to approach the appropriate forum.
6. Adj. to 29.01.2026 for final arguments.



**Financial Commissioner
Delhi**

Case No. (149) 150 & 151 of 2025

15.01.2026

Present : Shri S.K. Sharma, Counsel for Petitioner Society in all the cases.
: Shri Akshay Bhardwaj, Counsel for R-3 (in case no. 149/2025), for R-2 (in case no. 150/2025) and for R-1 (in case no. 151/2025).
: Ms. Vasu Singh, Counsel for Respondent, RCS.

1. Counsel for Respondents requested for adjournment as the replies are not ready to be filed today. Request is allowed with direction to file the same before the next date of hearing with advance copy to the Petitioner for filing rejoinder.
2. Counsel for Petitioner is directed to file copy of loan agreement which was signed between Petitioner Society and the Respondent borrower herein.
3. Adj. to 29.01.2026 for arguments.



**Financial Commissioner
Delhi**

Case No. 211 of 2023

**Ms. Sangeeta Rani
Vs.
Delhi Nagri Sehkari Bank Ltd. & Ors.**

15.01.2026

Present : Shri B. K. Gautam, Counsel for Petitioner.

(Filed Vakalatnama)

- : Shri Narender Kumar, Proxy Counsel alongwith Shri Ravinder Krishan, A.R. for R-1, Bank.
- : Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr. Asstt. for R-2, RCS.
- : Ms. Purnima Jain, Counsel for R-3, NDMC.

1. Counsel for Petitioner stated that the amount of Rs.6,77,150/- lakh has already been paid against the loan of Rs.5 lakh where she is surety. Also, in case where she is the Principal Borrower, she has paid Rs.13,21,938/- against loan of Rs.10 lakhs and outstanding amount is still shown as Rs.40,15,000/- upto 31.01.2021. Counsel for Petitioner filed latest statement of calculation sheet and salary slip for the month of December, 2025 which is taken on record and copy of the same supplied to the Respondents.
2. Petitioner further contended that the last recovery of Rs.8000/- was made in December, 2025, petitioner also submitted that despite there being two sureties, the recoveries have been made only from her side.
3. In rebuttal, AR for R-1, Bank stated that the principal debtor and other sureties retired from their service and there is no provision to attach the retirement benefits and immovable assets. Proxy Counsel for R-1, Bank filed RBI guidelines which was asked by this Court on the last date of hearing which is taken on record. R-1, Bank also undertook to submit affidavit that there are no further guidelines issued by the RBI since 2014 Master Circular that govern its lending business.
4. Proxy Counsel for R-1 further submitted that he is not aware of the facts of the case. Authorized Representative (AR) for R-1, Bank submitted that if the principal debtor failed to pay the dues, then the surety is required to pay the due amount which had been appraised to both the sureties at the time of loan taken by the principal debtor. However, he was unable to bring out the efforts made by Bank to recover the amount from Principal Debtor/other surety through their assets.

5. Counsel for R-2, RCS submitted that the Petitioner herein is aggrieved by the attachment order dated 02.03.2021 and 31.07.2017 which are consequences of respective awards. Hence, it would be appropriate if Petitioner appears against those Awards before the appropriate forum first and thereafter file a petition before this Court, if aggrieved.
6. The Counsel of Petitioner agreed with the suggestion of RCS. Keeping in view the contentions raised by the Petitioner, R-1, Bank & R-2, RCS, liberty is granted to Petitioner to attempt to first settle the dispute with the R-1, Bank amicably. Two months' time is granted for the same and during time, no coercive action be taken against the Petitioner. Anytime during the process if Petitioner perceives that the settlement is not proceeding it, Petitioner may approach the appropriate forum against the award, 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.
7. Accordingly, the Revision Petition bearing no. 211/2023 is disposed of in terms of the above.
8. File be consigned to record room after completion.


(PRASHANT GOYAL)
Financial Commissioner,
Delhi