

Case No. 146 of 2025

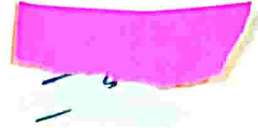
**Smt. Maya Devi
Vs.
Smt. Lalita Devi & Ors.**

05.02.2026

Present : Shri Falish Kumar, Son of the Appellant.
: Shri Rahul Jaryal, Counsel for R-2.

1. The present case relates to dispute between the petitioner and respondent no.1 (Lalita Devi, who is a relative of petitioner) and R-2 (Madan Pal Gupta, who is a subsequent purchaser of a portion of land). The land in question falls under village Mukandpur which stand urbanised under DMC Act vide notification dated 16.05.2017.
2. The attention of this court has been brought to the case pending before a Larger Bench of the Hon'ble High Court bearing Case No. O.REF.1/2024 titled ***Court on its own motion Vs. NEMO*** with regard to the matter of applicability of provisions of DLR Act post urbanization of village in the light of judgment of Hon'ble Supreme Court in Mohinder Singh case. The case is listed before the Hon'ble High Court for hearing on 13.02.2026. The Hon'ble High Court vide order dated 19.11.2025 in WP (C) No. 8856/2022 titled ***Suraj Bhan Vs Financial Commissioner & Ors.*** has already directed the Financial Commissioner to await the legal clarity before deciding the matter. The relevant extract is reproduced- '.....4. *The said issue is pending before the Larger Bench of this Court. Considering that the main bone of contention is sub-judice before the Larger Bench of this Court, the impugned order passed by the revisional authority is set-aside and the matter is remitted back to decide it expeditiously afresh after the decision by the Larger Bench of this court and by giving opportunity of hearing to the parties.....'* Therefore, it would be correct that the present revision petition is heard after the receipt of outcome of the case before the Hon'ble High Court.
3. Consequently, the parties are directed to approach this court for date appropriately, if need be, once the Hon'ble High Court takes a view in the matter.

4. The case is consequently adjourned sine-die, till the decision of the Hon'ble High Court.



(PRASHANT GOYAL)
Financial Commissioner,
Delhi

Case No. 189 of 2016

**Daya Kishan
Vs.
Gaon Sabha Bankner & Ors.**

05.02.2026

Present : Shri Vinod Kumar, Counsel for Petitioners.
: Shri Manish Kumar Gulia, Section Officer for R-1, G.S.

1. The present case has been filed against the order dated 10.12.2013 passed by the Revenue Assistant whereby the 04 biswa land in the name of petitioners was sought to be cancelled as the land in question is a public land which cannot be allotted in the light of various judgements regarding the same. Vide impugned order dated 10.12.2013, the RA/SDM altered the land status and directed to enter in the name of Gaon Sabha. The land in question falls under village Bankner which stand urbanised under DMC Act vide notification dated 20.11.2019. The land is also declared Low Density Residential Area vide notification dated 18.06.2013.
2. The attention of this court has been brought to the case pending before a Larger Bench of the Hon'ble High Court bearing Case No. O.REF.1/2024 titled ***Court on its own motion Vs. NEMO*** with regard to the matter of applicability of provisions of DLR Act post urbanization of village in the light of judgment of Hon'ble Supreme Court in Mohinder Singh case. The case is listed before the Hon'ble High Court for hearing on 13.02.2026. The Hon'ble High Court vide order dated 19.11.2025 in WP (C) No. 8856/2022 titled ***Suraj Bhan Vs Financial Commissioner & Ors.*** has already directed the Financial Commissioner to await the legal clarity before deciding the matter. The relevant extract is reproduced- '*.....4. The said issue is pending before the Larger Bench of this Court. Considering that the main bone of contention is sub-judice before the Larger Bench of this Court, the impugned order passed by the revisional authority is set-aside and the matter is remitted back to decide it expeditiously afresh after the decision by the Larger Bench of this court and by giving opportunity of hearing to the parties.....*' Therefore, it would be correct that the

present revision petition is heard after the receipt of outcome of the case before the Hon'ble High Court.

3. Consequently, the parties are directed to approach this court for date appropriately, if need be, once the Hon'ble High Court takes a view in the matter.
4. The case is consequently adjourned sine-die, till the decision of the Hon'ble High Court.



(PRASHANT GOYAL)
Financial Commissioner,
Delhi

05.02.2026

Present : Shri G. L. Verma, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr. Asstt.
for R-1, RCS.

1. Counsel for Petitioner filed the present revision under Section 116 of DCS Act, 2003 against inaction on the part of R-1, RCS regarding non-compliance of the inquiry report dated 13.10.2025.
2. Counsel for Petitioner stated that the Inquiry Officer submitted its report dated 13.10.2025 under Section 61 of the DCS Act, 2003, recommending further statutory action against R-2, Society herein. Despite the lapse of the statutory period of 90 days, the RCS has failed to take any action on the said report and the Society continues to act in defiance of statutory provisions by not convening General Body meetings, misusing funds on frivolous litigations, and failing to comply with orders of the Assistant Collector, RCS dated 25.09.2024 in Execution Case No. 2234/2024.
3. Counsel for Petitioner prayed to direct the RCS to take action on the Inquiry Report dated 13.10.2025 filed by the Inquiry Officer and take action against the office bearers of the R-2, Society by disqualifying them from contesting elections and supersede the Managing Committee by appointing Administrator.
4. Counsel for R-1, RCS sought a copy of the Petition for filing response and requested for adjournment as there is no comments/instructions received from the RCS and undertook to come prepared for arguments on the next date of hearing. Request is allowed as a final opportunity. No further adjournments will be allowed.
5. None appeared for R-2, Society. A notice be issued to the Society, as one final opportunity, to come and plead its case, if deemed necessary by it.
6. Keeping in view of the above averments, Petitioner is directed to supply a copy of the Petition to the R-1, RCS.
7. Adj. to 12.02.2026 for final arguments.

**Anil Chander Bagga
Vs.
Registrar of Cooperative Societies & Anr.**

05.02.2025 2026 *Ad*

Present : Shri Sabhay Chaudhary, Counsel for Petitioner.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri Rajiv Vig, Counsel for R-2, Society.

1. The Counsel for Petitioner contended that an Inspection Officer appointed in 2007 confirmed the irregularities with regard to mis-appropriation of funds by the then MC of the Society, but no action was taken by R-1, RCS on the same. The Managing Committee continued to collect monthly maintenance charges but failed to pay water dues to DJB amounting to approximately Rs.88 lakh and also withheld issuance of membership certificates. The Petitioner and other members again complained in 2023 before the RCS. Although a show-cause notice was issued, the Special Registrar dismissed the complaint on 26.02.2024 in an arbitrary manner, relying on a reply of the Society which was never provided to the Petitioner. Petitioner further submitted that he tried to obtain the audit report through RTI but R-1 did not provide the same stating that reports are not traceable.
2. The Petitioner pointed to order dated 17.06.2025 of RCS wherein Inspection Officer was appointed to look into the matter of defaulting Managing Committee only. The other issues of Petitioner's complaint i.e. non-conduct of Annual General Meeting (AGM) and annual audits have not been dealt with. The Petitioner further pointed out that the report of inspecting officer wherein it is mentioned that neither proper books of accounts are being maintained nor

regular audits taking place were not considered and no action was taken.

3. Counsel for R-2, Society submitted that Petitioner has only raised the issue of AGM only in his rejoinder, which is not permissible in revision matters. He further submitted that vide order dated 26.02.2024, Special RCS had duly considered all the facts and complaints filed by different members and found that no inspection is necessary on the allegations raised in complaint dated 27.02.2023. Counsel also submitted that Petitioner is defaulter since 2009 and membership cannot be transferred to defaulters.
4. The Counsel for Petitioner further contended that his main grievance is that he has not been provided copies of minutes of meetings of AGM and the audit reports since 2000 onwards. He pleaded that the Managing Committee of the society since 2000 had indulged in many irregular financial transactions, without approval of the AGM. The Society is also not paying electricity and water charges to the concerned authorities. The audit of five years i.e. 1989 to 1993-94 was carried out in the year 1996 in one go. The conduct of the MC require further inquiry under Section 62 which should have been ordered by the RCS.
5. In rebuttal, Counsel for R-2 Society submitted that the Petitioner has filed separate petition regarding maintenance charges before the DCT and the same is pending before the DCT. He further submitted that the society has already paid electricity and water bills up to date and the Petitioner is making his case on the basis of old record. He assured the court that an updated payment of water and electricity bills would be given to Petitioner. He also submitted that the Petitioner has filed another complaint dated

27.02.2023 raising the issues which are 20-25 years old regarding audit of years 1989-90 to 1996-97, non-conduct of elections, non-grant of membership alleged false & fabricated affidavits submitted in RCS which has already been gone into by the Inspection Officer and rejected. He further submitted that the Petitioner has raised the issue of audit after a gap of 35 years in the year 2023 by filing of his complaint. Therefore, the same is hit by limitation.

6. Counsel for R-1, RCS pointed out that the impugned order was passed by Special, RCS wherein Administrator was appointed to conduct Society elections within 90 days. Counsel also submitted that impugned order has taken into consideration all the complaints of the Petitioner and other complainants. The Counsel for R-1, RCS has observed and concluded the question of limitation taking into consideration chequered history of litigations. It is also pointed out that the Petitioner is not paying maintenance charges which is subjudice before the Ld.DCT. The Petitioner is filing complaints one after another in the RCS office which are being examined and RCS office is not aware about second complaint filed by Petitioner.
7. Despite opportunities by this court to place on record the copies of audit reports as well as minutes of the AGM from the year 2000 onwards, the Society has filed audit reports from 2009 onwards till 2023-24 and filed AGM minutes held on 31.03.2023, 31.03.2024 and 30.03.2025 only. The Society stated that the balance AGM reports are not traceable. The main grievance of the Petitioner before this court is that no AGM was held to approve the audit reports is a serious matter and needs to be looked into specifically by the office of RCS.

8. The Petitioner claims that the Society is misleading by not producing AGM since meetings were never held. Also, if AGM indeed held, a copy of the reports/minutes should have been filed with RCS after conduct of AGM and RCS office should be having record of the same. He says that his only grievance left in this case is that the MC has engaged in financial expenditures not authorised by the General Body of Society and this aspect should be examined vis-a-vis the Audit and AGM reports. According to Petitioner such examination would unravel financial irregularities by the MC.
9. The ends of justice would therefore be served, if the office of RCS revisits the issue, takes into consideration the grievances of the Petitioner and addresses them by a speaking and reasoned order. In this context, the RCS may examine only the documents of Audit and AGM filed by society as per provisions of the DCS Act and Rules. In case, any inspection/audit of record is required to be carried out, the expenses on the same would be entirely borne by the Petitioner herein, as the Petitioner has assured the Court in this context. In view of the above, the matter is remanded to the RCS to take action as above, preferably within 90 days after giving adequate opportunities of hearing to all the parties concerned.
10. With the above directions, the revision petition bearing No.221 of 2024 titled **Anil Chander Bagga Vs. Registrar of Cooperative Societies & Anr.** is disposed off.
11. File be consigned to record room after completion.


(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No.62 of 2023

05.02.2026

Present : Shri Alok Jain, Petitioner in person.
: Ms. Vasu Singh, Counsel for R-1, RCS.
: Shri R.K. Savant, Administrator for R-2, Society.
: Shri Mukul Aggarwal, Counsel for R-3.

1. Petitioner contended that his father was enrolled by society in the year 1977 after resignation of another member for a plot measuring 150 square yards. The father of petitioner took loan and made payment to the society towards the plot. In 1974, R-3 herein, a member of the Society could not make payment and filed petition for arbitration against society which was dismissed. Thereafter, R-3 (R. K. Agarwal) was expelled from membership of society. In 1979, another person namely A.K. Sabharwal was enrolled as member in the society. Further, in a draw of the Society held in 1978, father of Petitioner was allotted plot No.90 which was duly sent to the DDA for execution of perpetual sub-lease.
2. The Administrator of R-2 Society submitted that there is no MC in the society for the last 7-8 years and some members informed that the society has been handed over to MCD and the society has been converted into Social Welfare Society. Further, the loan is given to society on concessional rates by DDA, therefore, the handing over to MCD is not possible. The Administrator submitted that he tried to take over the charge of the Society since his joining as Administrator in the society but the members of society are carrying out the functions of the Society and holding meetings inspite of his presence and even after duly pasting his order as Administrator on the Notice Board in the society.

3. The Counsel for R-3 submitted that New Indraprastha society was registered with RCS since 1956. The strength of the society was 92. The society passed a resolution in 1968 and Shri R.K. Aggarwal, R-3 was enrolled as member at S.No.188. At the time of registration as member, the R-3 submitted affidavit on 19.11.1968 that he has no other property in Delhi. In the year 1972, a notice was issued to R-3 by society on the ground that he has not paid fee of Rs.200/- and consequently Shri R.K Aggarwal was expelled from membership of society. The society enrolled Shri V.K. Jain as member from the waiting list and he made all the payments. The R-3 challenged the same before the Hon'ble High Court. In the year 1991, the Division Bench of Hon'ble High Court held that the expulsion of R-3 was wrong and the membership of R-3 should be restored from 1968. Subsequently, aggrieved by the order of Double Bench of Hon'ble High Court, the society filed SLP in Hon'ble Supreme Court which was also dismissed. Aggrieved by this, Shri V. K. Jain filed writ petition before the Hon'ble High Court. In the year 1992, the Hon'ble High Court held that the membership of Shri R.K. Aggarwal be retained since the date of his registration and the allotment of plot was also restored and case was remanded to RCS to see whether the Petitioner therein suffered any disability on account of his property. The RCS carried out detailed inquiry and passed a detailed order dated 18.12.2013 in favour of R-3. Those findings of the RCS came to be challenged before the Financial Commissioner in revision petition No.57/2014. The FC vide order dated 28.04.2022 disposed of the same by setting aside the order dated 18.12.2013 passed by RCS ignoring the right of R-3. The order dated 28.04.2022 was challenged

by R-3 before the Hon'ble High Court of Delhi in WPC No.7273/2022. The Hon'ble High Court vide order dated 24.02.2023 remanded the case to the Financial Commissioner to consider all the issues raised by R. K. Agarwal. The predecessor Financial Commissioner vide order dated 22.02.2024 in case No.62/2023 kept in abeyance the impugned order dated 18.12.2013 and remanded the case to RCS to decide the issue of eligibility of R-3. Aggrieved by the order dated 22.02.2024, the R-3 filed WPC No.13940/2024 before Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi vide order dated 08.10.2025 remanded the case back to Financial Commissioner to decide the claim of the parties.

4. The Counsel for R-1, RCS submitted that the matter has been adjudicated by the Fact Finding Committee and its report has already been filed. Moreover, the Hon'ble High Court of Delhi has also taken cognizance of the issue.
5. In view of the above, the matter is adjourned to 26.02.2026 for arguments on the report of Fact Finding Committee. Accordingly, the Petitioner is directed to come prepared on this aspect. The Counsel for RCS will bring out the issue as have been found in the Fact Finding Committee Report.
6. Adj. to 26.02.2026 for further arguments.


**Financial Commissioner
Delhi**

Case No. 199 of 2025

**Shri Parmod Bahl
Vs.
Registrar Cooperative Societies & Anr.**

05.02.2026

Present : Ms. Neeta Bahl, SPA of Petitioner.
: Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr.
Asstt. for R-1, RCS.
: Shri Rajiv Vig, Counsel for R-3, Society.

1. The present case has been filed by the SPA of the Petitioner under Section 116 of the Delhi Cooperative Societies Act, 2003 against impugned order dated 07.10.2024 passed by the Assistant Registrar Cooperative Societies whereby the Petitioner herein was declared ineligible for allotment of plot in the R-3 Society.
2. SPA of Petitioner filed written submissions which are taken on record. She contended that the Petitioner became confirmed member of R-3, Society in 1978. His membership was recognized repeatedly in records of the Society including the waiting list prepared in 1982. She objected that while passing the impugned order dated 07.10.2024, the Asstt. RCS has wrongly held that the Petitioner was found ineligible for allotment of plot as he did not fulfil the criteria of having residential address within the area of 8 miles of the R-3, Society. She submitted that this finding/observation has already been removed by the Society itself vide letter dated 24.08.1987 addressed to the RCS. Therefore, the Petitioner has not incurred any ineligibility. Further, she submitted that no proceedings for expulsion or cessation of membership of the Petitioner have ever been initiated till date and the Petitioner continues to be member of the R-3, Society which was also mentioned in the waiting list finalized by the RCS at S. No. 11.
3. SPA of Petitioner further objected to scrapping of the waiting list of 1982 vide Resolution dated 06.01.2019 by the Society (the date of Resolution has been mentioned

as 06.10.2019 in the impugned order by the ARCS). She submitted that the Circular dated 22.02.1984 relied upon by R-3, Society applies only to enrolment of new members, whereas the petitioner was already a confirmed member since 1978. The society itself allotted plots on the basis of 1982 waiting list till 2001 and the RCS in its correspondence dated 19.03.2024 addressed to the Society also pointed out that the waiting list was maintained till 2012. She pointed out that the Hon'ble Delhi High Court in judgment dated 03.05.2016 in WP (C) No. 4093/2013 titled **Jagmohan Singh Wadhera v. Sarai Juliana Coop. HB Society Ltd.** has categorically held that the waiting list of 1982 is final.

4. SPA of Petitioner submitted that the Resolution dated 06.01.2019 scrapping the waiting list is illegal and fraudulent. It was passed after 35 years only when Plot No.124 became available after the allotment was cancelled by Land & Building Department (Delhi Administration) vide Letter dated 17.03.1980. The Managing Committee which passed this resolution was not duly constituted as per the provisions of DCS Act and Rules. Despite clear directions from the RCS on 19.03.2024 not to fill vacancies until further orders, the R-3, Society proceeded unlawfully without obtaining any final order from the competent authority. Therefore, the finding of the ARCS vide impugned order dated 07.10.2024 is based on false, incorrect facts and contrary to law. The petitioner's membership is valid and subsisting, and the waiting list dated 01.10.1982 continues to hold force. SPA further pointed out that in the Audit Report of R-3, Society, name of member is mentioned as Brij Lata instead of Ms. Hem Lata which is fraudulent. In rebuttal, Counsel for R-3 Society submitted that the said member is having two names i.e. Ms. Brij Lata alias Ms. Hem Lata.
5. 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 1982, wherein

his name appeared at Serial No.11. The presence of name in waiting list did not confer any vested right of allotment, particularly when several plots were under dispute at that point of time. Plot No.124 was earlier allotted to Smt. Krishna Chopra, whose membership was cancelled by the R-2, Land & Building Department w.e.f. 11.03.1980. Pursuant to directions vide order dated 08.07.2024 by the Hon'ble High Court in WP(C) No.9141/2024, the ARCS vide order dated 07.10.2024 rejected the representation dated 14.11.2022 filed by the petitioner.

6. Counsel for R-1, RCS further submitted that as per Circular issued by the RCS on 22.02.1984, cooperative house building societies were not permitted to maintain waiting lists. Consequently, the waiting list prepared in 1982 was formally scrapped by the R-3, Society vide Resolution dated 06.01.2019 and the petitioner was not eligible for allotment of any plot as he failed to 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 which was in violation of the society's bye-laws.
7. R-1, RCS further submitted that the petitioner has no legal right or enforceable claim for allotment of Plot No.124. The impugned order dated 07.10.2024 has been passed strictly in accordance with law, rules, and applicable bye-laws.
8. Counsel for R-3, Society in its reply stated that Petitioner is not a member of the Society. His membership was ceased vide society resolution dated 24.09.1978 as he did not fulfil the residency requirements of a residential address within 8 miles of the Society. This cessation was duly confirmed by the RCS vide letter no.46 (319 78/11/Coop/2149/4132 dated 01.10.1982. The Petitioner never challenged this decision before any competent authority or court and remained silent for more than four decades. Therefore, his claim to membership is barred by

limitation and cannot be granted after a lapse of such a long time.

9. Counsel for R-3, Society further stated that in compliance of directions of the RCS, the R-3, Society had also formally scrapped its waiting list vide Resolution dated 06.01.2019. Hence, the Petitioner has no legal right or standing to claim allotment as a waiting list member. The Society has followed all due procedures under the Delhi Cooperative Societies Act and Rules and also adhered to circular/directive no.F-47/Veri/G/H/Coop/81 dated 22.02.1984 issued by the Registrar Cooperative Societies under Rule 77 of DCS Rules, 1973 whereby the societies are directed not to maintain any waiting list, therefore, the waiting list relied upon by the Petitioner for the purpose of allotment of Plot No.124 is not valid. Public notices were issued in newspapers in November 2023 inviting objections but the Petitioner did not raise any valid objection. Therefore, his present claim is devoid of merit and not maintainable in law. On query by this Court as to why the need arose for passing Resolution dated 06.01.2019 when the cancellation had been done vide Resolution of 24.09.1978, the Counsel for R-3 accepted that the Resolution dated 06.01.2019 was not necessary but was passed to reflect compliance with RCS circular of 22.02.1984.
10. From the perusal of documents and record, it emerges that the Petitioner's case rests on the assertion of 'confirmed membership' since 1978 and his position at Serial No. 11 in 1982 waiting list which was duly approved by the Office of RCS. However, the Petitioner brought on record that the issue of having address beyond the area of 8 miles was resolved in 1987 as per the letter dated 24.08.1987 addressed to RCS, therefore, the Resolution dated 06.01.2019 passed by R-3, Society scrapping the waiting list is a fraudulent attempt to bypass members. Conversely, the Respondents (R-1, RCS and R-3, Society) averred that the membership of Petitioner was cancelled as far back as in 1978 by R-3,

Society vide Resolution dated 24.09.1978. They further contended that 1982 waiting list holds no legal sanctity following the Circular dated 22.02.1984 issued by RCS which directed the Societies not to maintain waiting list in accordance with Rule 77 of the DCS Rules 1973 which were in force at that point of time. Subsequent, Resolution of Society dated 06.01.2019 is only in furtherance of the above directive of the RCS.

11. The Rule 77 of DCS Rules 1973 stipulates that – The Registrar may, from time to time issue such directive as he considers necessary for the successful conduct of the business of a cooperative society or class of cooperative societies. The directive passed by the RCS scrapping the waiting list is within the powers of the RCS.
12. This Court has also gone through the judgment dated 03.05.2016 passed by the Hon'ble High Court in WP (C) No. 4093/2013 titled **Jagmohan Singh Wadehra Vs The Sarai Julaina Cooperative House Building Society Ltd.** which is relevant for coming to a decision in this case also. The relevant extract of the same are reproduced hereunder:

“.....5. This order clearly shows that the court dismissed the challenge to the seniority list after going through the record. Since this order was not challenged at any stage by anyone; this waiting list is final....

.....15. The report of the Local Commissioner is on record. During the course of arguments the petitioner made no attempt to refer to this report to point out the name of a single allottee junior to him who was allotted a plot. The facts recorded by RCS and DCT show that 10 plots were available for allotment with the society and they were allotted to 10 listed members in terms of their seniority in the waiting list dated 01.10.1982. It is also apparent that besides the petitioner there are other members who are senior to him, from Sl. No.11 to 14 who are to be given priority. The facts found by RCS and DCT show that the plots which petitioner alleges were transferred to his juniors, were in fact transferred by the original allottees by various modes like sale, to the nominees and new members who were substituted in all these cases either on request of original allottee or upon his demise, in terms of provision of DCS Act and its Rules. No restrictions have been placed on the rights of owners of such property to transfer them to others and in the event of such transfer by the owner (allottee), the society is bound to substitute the name of such transferee (and to issue him the shares certificates as well as enroll him as a member in place of the original allottee of the plot). Such inclusion cannot be termed as allotment of a plot by the society. It can only be termed as recognition of transfer of the plot by the owner to other person.

16. *The impugned order also shows that every contention of the petitioner was dealt with and membership record of all 19 persons whose name had been given by petitioner in para 2 (m) of his claim petition (under Section 60 of Delhi State Cooperative Societies Act, 1972 before the Registrar in the year 2003) were examined and on the basis of the evidence produced, findings were rendered that the 19 members whom the petitioner alleges to be his juniors were in fact either the legal heirs of the original allottees or purchasers of plots from the original allottees. The petitioner has failed before every forum to prove that the society had allotted any unallotted plot to a member junior to him....."*

13. Before this Court, the Petitioner has claimed that other waitlist members were allotted plots by the Society therefore, the claim of the Petitioner for allotment against newly created vacancy in the Society due to cancellation of allotment in favour of Smt. Krishna Chopra is valid.
14. The Petitioner primarily relies on a waiting list prepared in 1982, however, it is a well-settled principle of law that mere placement on a waiting list does not create a vested right to property. Furthermore, RCS issued a statutory directive on 22.02.1984 which prohibited house building societies from maintaining such lists, pursuant to the powers conferred under Rule 77 of the DCS Rules, 1973. Consequently, the 1982 waiting list ceased to have legal sanctity over four decades ago. While the Petitioner disputes the validity of the Society's Resolution dated 06.01.2019, this Court observes that the resolution was merely an administrative compliance of the directive of the RCS. The Counsel for R-3 admitted that the subsequent Resolution of the Society dated 06.01.2019 was largely procedural, as the Petitioner's membership had already been cancelled as far back as 24.09.1978 due to non-compliance of bye laws of the Society.
15. Regarding the Petitioner's eligibility, the record indicates that the membership was cancelled for failing to satisfy the mandatory condition of residing within 8 miles of the Society's area of operation at the time of enrolment. This requirement is a fundamental prerequisite for membership under Rule 24 (1)(iii) of the DCS Rules, 1973 which states that – *he has fulfilled all other conditions laid down in the Act, the Rules & the Bye-laws.* Although the Petitioner claims this disability was removed in 1987 but

there is nothing on record to suggest that there is formal restoration of membership of Petitioner by the competent authority. A membership obtained on the basis of a wrong claim (residing within 8 miles) was *ab-initio* void and it was always waiting to be set aside and could not have been regularized in any manner. Furthermore, the Petitioner has availed the legal remedy after a lapse of more than forty years, therefore, the case is hit by inordinate delay as per the doctrine of Laches and Limitation. The Petitioner's failure to challenge the cessation of his membership vide society resolution dated 24.09.1978 within a reasonable period renders the claim of the Petitioner to allotment of plot being a waitlist member as legally unsustainable.

16. Furthermore, this Court finds that the impugned order dated 07.10.2024 passed by the Assistant RCS was a reasoned decision issued in compliance with the directions of the Hon'ble Delhi High Court. The allegations regarding the misidentification of 'Brij Lata' versus 'Hem Lata' in the audit report, even if correct, do not alter the underlying legal status of the membership of the Petitioner. The Society has clearly demonstrated that it followed due process, including issuance of public notices in November 2023, to which the Petitioner failed to raise any timely or valid objection. In the absence of a subsisting membership and in light of the statutory prohibition against waiting lists, the Petitioner has no enforceable right to the allotment of Plot.
17. In the light of all the above, this Court is not inclined to interfere in the present matter. Therefore, the revision petition bearing no. 199/2025 titled **Shri Parmod Bahl Vs. RCS & Anr.** is dismissed.
18. File be consigned to record room after completion.


(PRASHANT GOYAL)
Financial Commissioner
Delhi