Case No. 25 of 2026

Madan Gopal Agarwal & Anr.
Vs.
Registrar Cooperative Societies

20.03.2026

Present : Shri Ravi Vashisht, Counsel for Petitioner(s).
: Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr. Asstt. for Respondent, RCS.

1. Counsel for Petitioner(s) expressed concern that their complaint dated 12.12.2025 received by O/o the RCS on 29.12.2025 has not been acted upon and requested that the court mandate a time-bound resolution. Specifically, Counsel suggested a 45-day window for the RCS to make a decision emphasizing that without a strict deadline, the matter is likely to remain stagnant.

2. Counsel for RCS agreed to a scheduled appearance and requested a date for the parties to appear before the Registrar, RCS.

3. In view of the above submissions, this Court is of considered view that the RCS may hear the Petitioner on the complaint and pass a speaking order within 45 days from the date of his first appearance.

4. Counsel for Petitioner is directed to appear before the RCS on 23.03.2026 to present his case.

5. Accordingly, the revision petition bearing no. 25/2026 ***Madan Gopal Agarwal & Anr. Vs. RCS*** is disposed of in terms of the above.

6. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 14 of 2026

Delhi Nagrik Sehkari Bank Ltd.
Vs.
RCS & Anr.

20.03.2026

Present : Shri Anil Kumar, Counsel for Petitioner, Bank.
: Ms. Vasu Singh, Counsel for R-1, RCS.

1. Counsel for Petitioner stated that the present revision petition is under Section 116 of the DCS Act, 2003 against the order dated 17.04.2025 passed by ARCS (Recovery), RCS. The Petitioner is aggrieved by the impugned order as ARCS refused to pay interest on recovery fee on amount of Rs.8,28,937/- which was credited on 22.02.2024 in the account of Bank upon the amount paid by the Bank to Smt.Kaushalya Devi in terms of order dated 02.12.2021 passed by the Hon'ble High Court of Delhi.

2. The Counsel for Petitioner further contended the brief facts of the case as under :

i. That one Smt. Kaushalya Devi had obtained an Over Draft facility of Rs.3.20 crores from the petitioner bank in the year of 2009 in her OD Account No. 220000000026 (New A/c No. 2210000000002) in the name of M/s K.R. Trading Company. However, after availing the OD facility from the petitioner bank the said Smt. Kaushalya Devi failed to clear dues in time due to which OD Account of the said Smt. Kaushalya Devi was declared as Non Performing Asset (NPA) showing an outstanding balance of Rs.3.19,17,753/- as on 31.03.2012. Thereafter the petitioner bank issued a Notice under Section 13(2) of the SARFAESI Act for an amount of Rs.3,42,97,368/- alongwith interest @ 17% p.a. from 01.10.2012 till the date of full and final payment.

ii. That thereafter the said Smt. Kaushalya Devi tried its best to stall the recovery proceedings, however, the same failed and a Court Receiver was appointed to take over the possession of the property as was mortgaged with the bank. Thereafter during the pendency of the application of the said Smt.

Kaushalya Devi before the Hon'ble Debt Recovery Tribunal under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 on 23.03.2013 a settlement was arrived between the parties wherein the said Smt. Kaushalya Devi agreed to pay Rs.3.70 crores to the bank which included the amount of Rs.20 lakhs as deposited by her before the Hon'ble DRT and the said Smt. Kaushalya Devi was required to deposit the said amount by 31.08.2013. Consequently on 30.05.2013 the SA as was filed by the said Smt. Kaushalya Devi was disposed of by the Hon'ble DRT on the ground of settlement and on deposit of Rs.1 crore in terms of settlement. However, the said Smt. Kaushalya Devi failed to comply with the settlement terms.

iii. Subsequently, Petitioner bank had also filed an arbitration case under Section 70 of the DCS Act, 2003 and the matter was referred for arbitration under Section 71 of the DCS Act, 2003. During the Arbitration proceedings, the above said Smit Kaushalya Devi again entered into a settlement with the petitioner bank whereby she had agreed to make the outstanding dues of the petitioner bank and in view of the settlement an Award dated 19.05.2014 was passed by the Arbitrator whereby the said Smt. Kaushalya Devi was held liable to pay to the bank a total sum of Rs. 2,42,87,829/- plus further interest and penal interest @ 15% + 2% p.a. w.e.f. 01.11.2013 till realisation of the entire loan in full with up to date interest as agreed. However, as the interest was not awarded on compounded basis, hence, on 05.3.2014 a corrigendum was issued whereby the rate of interest was awarded on compounded basis.

iv. Aggrieved by the order dated 05.03.2014, Smt. Kaushalya Devi then filed an appeal before the Hon'ble Delhi Cooperative Tribunal, however, on 15.05.2015 the said appeal was dismissed in limine. Thereafter, Smt. Kaushalya Devi filed a review application before the RCS, Delhi. However, the said application was also dismissed by RCS, Delhi on 11.09.2015. Thereafter, Smt. Kaushalya Devi filed an appeal before the Hon'ble DCT, however, the said appeal was also dismissed by the Hon'ble DCT vide its Order dated 28.06.2017.

v. Consequently, aggrieved by the orders dated 15.05.2015 and 28.06.2017, Smt. Kaushalya Devi filed WPC No. 2836 of 2018 before the Hon'ble High Court of Delhi and the Hon'ble High Court of Delhi vide its Order dated 02.12.2021 has pleased to disposed off the said writ petition with the following direction to RCS :

> *"33. We, therefore, dispose of this petition with a direction to the RCS to have the amounts computed as recoverable by the petitioners from the respondent Bank, by a competent officer having accounting knowledge. The amounts shall be determined after hearing both the parties keeping in view our findings, and the same shall be communicated to the parties in a reasoned order. The respondent bank shall make payment of the amount so determined to the petitioners within four weeks of such determination. The excess amount found to be refundable to the petitioners shall also bear interest @ 10% per annum from the date of recovery, till payment."*

vi. Thereafter, vide Order dated 25.05.2022 passed by RCS, Delhi, the bank was directed to return the excess amount of Rs. 70,94,784/- including Recovery Fees charges by RCS, Delhi/ Asst. Collector Gnade-1 from said Smt. Kaushalya Devi during the Recovery proceedings in Recovery case. Subsequently, the petitioner Bank paid the aforesaid amount of Rs. 70,94,784/- to Smt. Kaushalya Devi 10.11.2022 and 07.06.2023 respectively. The aforesaid payment included the recovery fees of Rs. 8,28,937/- alongwith interest on this recovery fee @ 10% p.a. charged by RCS, which they could not charge, as observed by the Hon'ble High Court of Delhi in para 32 of the order dated 02.12.2021. Thereafter, the petitioner bank sent various letters to RCS office to refund the recovery fees of Rs. 8,28,937/- alongwith payment of Rs.5,75,941/-towards the interest over the amount of Rs.8,28,937/- @ 10% p.a. w.e.f. 14.03.2017 to 22.02.2024 but no heed has been paid by RCS to the various requests and reminders. Hence, the petitioner bank got issued a notice dated 14.11.2024 to RCS, Delhi. Consequently, the

Respondent, RCS refunded the recovery amount of Rs.8,28,937/- on 22.02.2024. However, RCS issued order dated 17.04.2025 whereby the office of RCS, Delhi declined to give the interest amount to the petitioner bank.

vii. Aggrieved by the order dated 17.04.2025, the petitioner bank, filed C.M. Application No.2073/2026 in WPC No. 2836 of 2018 before the Hon'ble High Court of Delhi. The application as was filed by the petitioner bank was listed before the Hon'ble High Court of Delhi on 13.01.2026 and the Hon'ble High Court of Delhi has pleased to allow the petitioner bank to avail its remedies in accordance with law and also pleased to extend the limitation period for a further period of 30 days.

3. The Counsel for Petitioner further referred to para five of RCS order dated 25.02.2022; that is "*In pursuance to the said order, hearing of both the parties was held on 04-04-2022, 11-04-2022 and 18-04-2022 to arrive at a considerable amount to be refunded to the petitioner. During the course of hearing, both the parties furnished their calculations. Both the calculations were duly examined and considered by the accounts functionaries of this office after taking into account all the queries & objections raised by both the parties and finally, the following excess amount has been computed for refund by the respondent bank:*

(i) Difference of Compound Interest and Simple Interest on Principal amount of Rs.2,16,49,282.00 w.e.f. 14.03.2017 to 15.03.2022: Rs.21,76,897.00.
(ii) Excess Arbitration Cost of Rs.16,50,000.00
(iii) Recovery Fee of Rs.8,28,937.00
(iv) Interest @ 10% per annum on (i), (ii) & (iii) from the date of recovery, i.e. 14.03.2017 to 15.03.2022 is Rs.23,31,743.00
(v) Interest @ 10% per annum from 16.03.2022 till 10.05.2022 is Rs.1,07,207.00

Grade total of (i) to (v) Rs.70,94/784.00 (us on 10.05.2022)

(Rupees Seventy Lakhs Ninety Four Thousand Seven Hundred and Eighty Four Only)

Accordingly, in compliance of the aforesaid order of the Hon'ble High Court in true letter and spirit, the Delhi Nagrik Sehkari Bank Ltd. is directed to refund an excess amount of Rs170,94,784.00 (Rupees Seventy Lakhs Ninety Four

Thousand Seven. Hundred and Eighty Four Only) to the petitioner, Smt. Kaushalya Devi within 28 days from issue of this order. Non compliance of the same would invite penal action and contempt of court against the respondent bank", which clearly mentioned that RCS order to pay interest on recovery fee which squarely need to return by RCS to the Bank.

4. In rebuttal, the Counsel for R-1, RCS submitted that the RCS was not made as a party in the WPC No.2836/2018. However, the RCS has complied with the directions passed by the Hon'ble High Court vide order dated 02.12.2021. The Counsel for RCS further submitted that the RCS office had moved the file to legal department to seek legal opinion and as per their legal opinion received the revision petition filed before this court is not maintainable. The Counsel for RCS also submitted that Smt.Kaushalya Devi had directly deposited the amount in the Bank and the Bank had in turn deposited recovery charges to the RCS. However, the RCS maintains only current account which does not earn any interest. Hence, while RCS has paid recovery charges, it cannot be asked to pay any interest, which does not accrue in a current account.

5. On query of the court, that if the High Court order of 02.12.2021 did not specifically provide for interest payment on recovery charges, and if the amount kept by RCS in current interest did not earn any interest, why RCS in its order dated 25.02.2022 directed the respondent Bank to pay interest @ 10% per annum on (iii) Recovery Fee of Rs.8,28,937.00, RCS Counsel had no response.

6. In the light of the submissions made by both the parties, this court is of the considered view that the ends of justice would therefore be served if the office of RCS complied with the order dated 21.12.2021 passed by the Hon'ble High Court of Delhi and refunds the interest part of Rs.5,75,941/- on account of interest @10% per annum with effect from 14.03.2017 till 22.02.2024 as claimed by the Petitioner. Hence, the revision petition filed by the Petitioner is allowed With the above directions, the revision petition bearing

No.14 of 2026 titled ***Delhi Nagrik Sehkari Bank Ltd. Vs. RCS & Anr.*** is disposed off.

7. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 34 of 2026

20.03.2026

Present : Shri Nipun Arora, Counsel for Petitioner, MCD.
: Shri Surender Chauhan, Counsel alongwith Ms. Aanchal Sharan for R-1, Vaish Cooperative Adarsh Bank Ltd.
: Shri Gurcharan Singh R-2, Shri Sushil Kumar R-3 & Shri Ashok Kumar, R-4 in person.

1. Counsel for Petitioner stated that the petitioner has filed the revision petition under Section 116 of the DCS Act, 2003 against the order dated 27.11.2025 passed by ARCS whereby the MCD is directed to handover the possession of 470 sq.yds of land forming part of Khasra No.21, village Toot Sarai, Malviya Nagar Tehsil, Hauz Khas, Delhi.

2. The Counsel for Petitioner further contended as under :

   i. That the land in question is a public park and the Petitioner herein was neither a party in the recovery proceedings nor a party in the execution proceedings and the public park cannot be attached to satisfy a decree/award against private individuals. The Counsel also contended that the official records – particularly the site plan dated 24.08.1969 record the said land as "open land for park". Further, the basis for the entire mortgage & loan transactions has been fraudulent since the sale deeds themselves mention the property as a built up property having *"1 room bathroom etc etc"*, whereas it is admitted position that since at least 1960s, the said land has been a park maintained by the Petitioner, and did not contain any built up portion. This is more critical that the parties are only in the "proprietory possession" of the property and not actual possession.

   ii. That as far as mutation in favour of Shri Ramjani or the Judgment Debtors is concerned, it is well settled that the mutation by revenue authorities or any proceedings under the DLR Act have no consequence once the area is urbanized. Further, it is also evident that the possession thereof has also been exclusively with MCD for the last several decades. The documents submitted by Shri Inderjit Bajaj & Shri Sanjay Bajaj contain various contradictions and prima facie appear to be fraudulent.

iii. That the impugned order has been passed without waiting for the documents from the L&DO, Ministry of Housing & Urban Affairs, GOI and from the DM (South) as directed by Hon'ble High Court in WPC No.2617/2025. Further, the impugned order failed to note that the provisions of the CPC were applicable to the proceedings before the ARCS, and the execution proceedings were to be governed by Rules 97, 99 & 100 of Order XXI of CPC. Also, the instant execution case had been filed prior to the DCS Act, 2003 coming into force. Thus, the previous Act i.e. the DCS Act, 1972 was applicable to the present case, since Section 105 of the 2003 Act states that the previous proceedings were to continue as per 1972 Act. In any case, Section 105 of the 2003 Act as also Section 71 of the 1972 Act, both state that the provisions of the CPC are to apply in execution proceedings. Further, the ARCS has failed to take note of the contentions and objections raised by the Petitioner and has passed the impugned order in a mechanical manner and without appreciating all the materials on record and provisions of law.

3. In rebuttal, the Counsel for R-1 submitted that the bank loan was given to the members and not the guarantors and for mortgage purposes only and all the legal procedures were followed. Everything has been checked and everything is on record. The counsel further submitted that the title of the deed as well mortgage deed are on record. The Award is under execution. Further, the said Award was never challenged by the MCD before the DCT and instead it filed revision petition before this court. However, the MCD is also challenging the title deed of the guarantors and the title of the deed is not challengable before this court. Hence, the petition filed by the Petitioner is not maintainable here.

4. The Counsel for RCS submitted that copy of the Award has not been filed by the Petitioner. In rebuttal, the Counsel for Petitioner submitted that the Petitioner visited the RCS office to collect the copy of the Award but the copy of the same was not provided as the concerned file is not available.

5. In view of the facts of the case as enumerated by both the parties, the RCS is directed not to take any coercive action against the Petitioner till the next date of hearing.

6. The Petitioner is directed to file written submissions in brief with additional documents latest by 10.04.2026 with advance copy to the Respondents. The Petitioner will also clearly bring out why the FC court should adjudicate on the matter prior to a clarity on the issue of 'title' dispute by the competent court.

7. Adj. to 23.04.2026 on the issue of maintainability and further arguments, if any.

Financial Commissioner
Delhi

Case No. 36 of 2026

20.03.2026

Present : Shri Sandeep Kumar, Counsel for Petitioner/Non-applicant.
: Ms. Vasu Singh, Counsel for R-1, RCS/Non-applicant.
: Shri G. L. Verma, Counsel for R-2, Review Applicant.

1. Counsel for R-2, Review Applicant filed the present review petition/application under section 115 of DCS Act to seek review of the order dated 13.02.2026 passed by this Court in revision petition no.23/2025 on the ground that the said order is not only in violation of principles of natural justice but also contrary to the orders dated 10.09.2025 already passed by this Court in the same revision petition. Counsel for R-2 submitted that the impugned order dated 13.02.2026 is in direct conflict to orders dated 29.11.2023 and 08.08.2024 passed by the Hon'ble High Court in W.P. (C) No.14931/2023 and also contrary to the order passed by the DCT in Appeal no.74/2023 vide which stay was declined. Counsel for R-2 further submitted that the impugned order suffers from serious infirmity because it does not refer to the previous order dated 10.09.2025 passed by this Court vide which the revision petition of Society was dismissed. On query of the Court, the review applicant failed to clarify how the High Court order has been violated. He was also unable to clarify why the Court of Financial Commissioner cannot take a decision that differs from the DCT stand.

2. Counsel for R-2, Review Applicant contended that the Society had been taking different stands at different forum as it gave consent for execution proceedings on 08.08.2024 before the Hon'ble High Court, while it gave undertaking to take step to restore membership on 27.01.2025 before the Delhi Cooperative Tribunal.

3. Counsel for R-2 also contended that another serious infirmity in the impugned order is that it extends the scope of litigation as this Court has clearly stated in para 4 of order that "***In case of dispute continues even after***

DCT decision, the Petitioner society shall have the liberty to approach this Court in revision." The impugned order has enlarged the scope rendering the applicant remedyless and face prolonged litigation.

4. The Review Applicant shall come prepared on the next date of hearing to coherently bring out why the review merits consideration.

5. Counsel for Petitioner sought time to file reply to the review petition/application.

6. Adj. to 17.04.2026 for argumentns.

Financial Commissioner
Delhi

Case No. 37 of 2026

Kala Vihar CGHS Ltd.
Vs.
RCS & Ors.

20.03.2026

Present : Shri Mehul Jain, Counsel for Review Applicants.
: Shri G. L. Verma, Counsel for Respondent, Society.
: Ms. Vasu Singh, Counsel alongwith Shri Shahid, Sr. Asstt. for Respondent, RCS.

1. Counsel for Petitioner filed the review petition under Section 115(1) of the DCS Act, 2003 against the Order dated 06.02.2026 passed by this Court and prayed to review, revisit and recall the order dated 06.02.2026 and impose heavy cost on Mr. Sultan Choudhary (Revisionist) for obtaining an order by fraud.

2. Counsel for Review Applicants contended that the Registrar's order from 26.12.2025 should have been challenged through an appeal under Section 112(d), rather than a Revision Petition u/s 116 of DCS Act, 2003. Counsel further contended that the Managing Committee violated specific direction of this court by issuing a post-dated cheque dated 20.02.2026 of Rs.10,50,000/- on 27.12.2025 which exceeded the "bare minimum essential expenditure" allowed for salaries and utilities. He asserted that the payment was deducted from the society account on 20.02.2026 i.e. after the order of FC Court on 06.02.2026, and even if this was in reference to a post-dated cheque, the committee could have stopped the cheque after FC Order.

3. Counsel for Respondent, Society claimed that the nomenclature of the parties in the case is incorrect, as the named individual is not the current president of the society. Counsel submitted regarding the financial allegations. He further argued that the cheque in question was issued due to a contractual liability that existed prior to the court's restrictive orders. He further submitted that the payment was a "pre-drawn conclusion" to avoid

potential arbitration and should not constitute grounds for a review of the court's previous decisions.

4. Counsel for RCS confirmed that the parties were scheduled to appear before the RCS on 11.02.2026, as per previous orders. Counsel supported the transition of the financial authority to the Administrator to ensure future compliance with the order of the FC court.

5. The respondent, society was not able to clarify that even if the cheque was issued prior to decision of FC court, why it did not transparently state so before the FC court at the stage of arguments or even immediately after the order of FC court on 06.02.2026. Hence, this court feels appropriate to review its order of 06.02.2026 to the extent that all future financial decisions and releases must now be approved exclusively by the appointed Administrator of RCS. This is essential to prompt any financial impropriety from any party.

6. Both the parties are directed to present the specific facts regarding the timing of issuance of cheque and necessity thereof during their upcoming hearing before the RCS who shall pass appropriate directions to the Administrator.

7. Accordingly, the review petition bearing no. 37/2026 titled ***Kala Vihar CGHS Ltd. Vs. RCS & Ors.*** is disposed of in terms of the above.

8. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 28 of 2026

20.03.2026

Present : Shri Udaybir Singh, Counsel for Petitioner.
: Shri Deepak Kumar, R-1, C.O. in person.
: Shri V. P. Rana, Counsel for R-3.

1. Counsel for R-3 raised an objection regarding the maintainability of the case. Counsel argued that the Appeal was filed under Section 21(4) of the East Punjab Holdings Act, which delegates powers of the Chief Commissioner to the Deputy Commissioner (Collector), rather than to the Financial Commissioner. To support this claim, he cited a government notification of 1962 and a Supreme Court judgment in the case of Bachan Singh. Counsel clarified that while the Financial Commissioner holds the powers under Section 42 of the Act, under Section 21(4) matters must be handled by the appropriate delegated authority. To this effect, Counsel for R-3 undertook to file a copy of the judgment and the delegation order in support of his claim.

2. Counsel for Petitioner requested to provide the copy of the said notification as well as judgments. He further requested to continue the interim protection.

3. R-1, C.O. did not have any counter to the arguments.

4. Interim protection to continue till the next date of hearing.

5. Adj. to 23.03.2026 for concluding arguments.

Financial Commissioner
Delhi