

**BEFORE DELHI COOPERATIVE TRIBUNAL
GOVT. OF NCT OF DELHI
VIKAS BHAWAN, GROUND FLOOR, DELHI**

DAILY ORDERS

Order of 03.07.2025

Appeal No. 065/2019/DCT

03.07.2025

Present: A2 in person with Sh. Pradeep Kumar, Adv.

Sh. Sandeep Kumar, AR of the Respondent Bank in person and Sh. Akshay Bhardwaj, Adv. appears through VC.

Ld. Counsels for the parties submits that they have no objection to the appeal being heard and disposed off by the Chairman sitting single, de hors the quorum being incomplete.

Ld. Counsels submits that they shall submit their written consent for the appeal to be heard on merits within 15 days from today.

Adjourned for arguments to 10.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 065/2023/DCT

03.07.2025

Present: Appellant in person with Sh. Binod Kumar Singh,
Adv.

Sh. Satyapal Bansal, President of R1 Society.

Quorum is not complete.

None has appeared from the O/o RCS, neither record have been received. However, Sh. Gaurav Kumar, Sr. Assistant from the O/o RCS is present in some other matter. He has been directed to make a note of the present appeal as well and ensure that the records are made available by the adjourned date.

Adjourned for records to 21.08.2025.

On request, copy of this order be given dasti to the Society.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 106/2023/DCT

03.07.2025

Present: Appellant in person and Sh. Binod Kumar Singh, Adv. appears through VC.

None for the Respondent.

Quorum is not complete.

Sh. Deepak Kumar and Sh. Gaurav Kumar, Sr. Assistants from the O/o RCS have appeared and brought TCR. Same is taken on record. It is however, noticed that none has been appearing on behalf of the society.

Issue Court notice to the Respondent Society returnable on 21.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 107/2023/DCT

03.07.2025

Present: Appellant in person and Sh. Binod Kumar Singh,
Adv. appears through VC.

None for R1 Society.

None for private Respondents.

Quorum is not complete.

Ld. Counsel for the appellant seeks more time for furnishing
the address of R2.

Issue notice to the concerned AR of the RCS to present with
the Trial Court record on the next date.

Adjourned for records to 21.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 080/2017/DCT

03.07.2025

Present: Appellant in person.

Sh. Tarun Kumar Garg, Secretary of the Respondent Society.

Quorum is not complete. However, parties submits that they have no objection to the appeal being heard and disposed off by the Chairman sitting single, de hors the quorum being incomplete.

Parties submits that they shall submit their written consent for the appeal to be heard on merits within 15 days from today.

Adjourned for arguments to 18.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

03.07.2025

Present: Appellant in person with Sh. Kamlesh Kumar Verma and Sh. Dinesh Singh Bachgoti, Advocates.

Sh. Avinash Sahu, AR of the Respondent Society.

Quorum is not complete.

Appellant submits that he has been offered a settlement for an amount of Rs. 7,07,739/-. However, the same is not acceptable to him.

This Tribunal is of the opinion that calculating simple interest @ 18% from the date of payment till date and adding to the principal amount, should be asked for by the society from the appellant. On request of the Ld. Counsel for the appellant, it is further directed that the society shall accept the amount in two installments payable within a period of two months from the date of settlement. The appellant shall visit the office of the society on 12.07.2025 at 11:00AM and try to work out settlement.

Ld. Counsel further submits that the society be directed to withdraw the complaint u/s 138 of the NI Act on payment of the settled amount.

It goes without saying that in case the appellant pays up the loan amount, the 138 complaint cannot survive and society shall ensure that the same is withdrawn.

AR of the Society prays that necessary directions be issued to Asst. Collector Grade-I, office of RCS to waive off the surcharge of 5 % in Arbitration case no. 4033/AR/ARB/2023-24 titled as The Mahalaxmi Co-operative Urban Thrift & Credit Society Ltd. V/s. Sh. Sh. Netrapal & Ors.

Heard.

The prayer for waiver of 5% Surcharge is allowed. A division Bench of the Hon'ble High Court of Delhi in ***W.P.(C) 2836/2018 titled as Kaushalaya Devi & Ors. Vs. Delhi Nagrik Sehkari Bank Ltd., decided on 02.12.2021***, has held that where the judgement debtor makes payment directly to the decree holder, no surcharge is to be paid to the office of RCS. Therefore, the amount, which has been paid out of Court, directly by the appellant to the respondent society is not liable to any surcharge.

Adjourned for reporting settlement to 29.07.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

03.07.2025

Present: Appellant with Sh. Kunal Kalra, Adv., both appears through VC.

Sh. Prateek Vaish, Adv. for DCHFC appears through VC.

Sh. Sandeep Kumar, Adv. for the Respondent Society appears through VC.

Ld. Counsels for the parties submits that they have no objection to the appeal being heard and disposed off by the Chairman sitting single, de hors the quorum being incomplete.

Ld. Counsels submits that they shall submit their written consent for the appeal to be heard on merits within 15 days from today.

Adjourned for arguments to 25.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 108/2023/DCT

03.07.2025

Present: Appellant in person with Sh. Binod Kumar Singh,
Adv.

Sh. Satyapal Bansal, President of R1 Society.

Quorum is not complete.

File taken up on the request of parties. It is pointed out that though the present matter is connected with the matters bearing appeal nos. 106/2023 & 107/2023, however, it was inadvertently adjourned to 18.09.2025.

Date of 18.09.2025 is cancelled. The matter shall now be taken up on 21.08.2025 along with other connected matters.

Sh. Gaurav Kumar & Sh. Deepak Kumar, Sr. Assistants from the O/o RCS are present in some other matter. They have been directed to make a note of the present appeal as well and ensure that the records are made available by the adjourned date.

Adjourned for records to 21.08.2025.

On request, copy of this order be given dasti to the Society.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)