

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

DAILY ORDERS

Order of 18.09.2025

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

**Appeal No. 097/2025/DCT
(In Arbitration case no. 8417/AR/ARB/2024-25)**

In the matter of :

**Sh. Sunil Ahuja
Vs.
RCS & Ors.**

**...Appellant

...Respondents**

18.09.2025

Present: Appellant in person.

Fresh appeal filed on 17.09.2025. Be checked and registered.

Challenge in the present appeal is undated order passed by the Additional Registrar in arbitration case no. 8417/AR/ARB/2024-25 vide which a petition u/s 70 of the DCS Act filed by the Delhi State Cooperative Bank Ltd. against Smt. Rekha & Ors. for recovery of Rs. 22,24,469/- has been referred to arbitration.

The appellant is one of the guarantors in loan account no. 037248000070 advanced to borrower Smt. Rekha and co-borrower Sh. Ashwani Kumar (now deceased) by Delhi State Cooperative Bank. The loan is stated to have been advanced against a secured asset. It is however, the case of the appellant that title document of secured asset submitted by the principal borrower were forged. The Bank in collusion with the principal borrower ignored the forgery and sanctioned the loan. The appellant though, guarantor, was not aware of any such forgery when he stood surety. The loan transaction was thus, fraudulent.

It is the case of the appellant that he had raised a plea of fraud before the Additional Registrar which has not been dealt with by him and has referred the matter to arbitration, without discussing the same.

It is argued that a plea of fraud cannot be referred to arbitration as has been held by the Hon'ble Supreme Court of India in *Booz Allen and Hamilton Inc. Vs. SBI Home Finance Ltd. & Ors.* Reference has also been made to law laid down by the Hon'ble Supreme Court of India in *N. Radhakrishnan Vs. M/s. Mastero Engineers & Ors.* It is the case of the appellant that principal borrower Smt. Rekha and co-borrower Sh. Ashwani Kumar (now deceased) had committed a fraud in collusion with Sh. Kunwar Pal, Manager of the claimant bank.

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It is therefore, argued that the reference to arbitration is bad and since, it involves plea of fraud, the same ought to be decided by a Civil Court.

I have heard the appellant and read the judgments cited.

The Tribunal is of the opinion that in view of the specific bar u/s 132 of the DCS Act, no Civil Court shall have jurisdiction in respect of the dispute required u/s 70 of the DCS Act, to be referred for decision. Further, perusal of Section 70 of the DCS Act reveals that a dispute among members, past members, or between society and its members shall be referred to the Registrar for decision.

Ld. Additional Registrar, in view of the provision of Section 70 of the DCS Act has rightly exercised his power of referring the dispute for adjudication u/s 70 of the Act. Nonetheless, this Tribunal is of the opinion that plea of fraud sought to be raised by the appellant, needs redressal and adjudication. Jurisdiction of civil court being barred; grievance of appellant cannot be left un-redressed.

It is therefore, directed that the arbitrator shall give ample opportunity to the appellant to lead evidence and establish the plea of fraud, if any.

The Arbitrator inter-alia shall frame following issues and record his findings thereon:

1. whether, there was a fraud committed by the principal borrower Smt. Rekha and co-borrower Sh. Ashwani Kumar (now deceased) in collusion with the officials of the bank for sanction and grant of the loan;
2. whether the title document for property mortgaged with the bank was forged and the bank ignored the forgery.

The present appeal is accordingly disposed off with aforesaid directions to the Arbitrator.

Copy of this order be sent to RCS for further transmission to the arbitrator.

Copy of this order be given dasti to the appellant.

File be consigned to record room.

2nd set be weeded out forthwith.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Review Petition No. 002/2025/DCT

18.09.2025

Present: All the Review Petitioners in person.

Fresh Review Petition filed on 09.09.2025. Be checked and registered.

Arguments heard.

Put up for orders on 19.09.2025.

**(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)**

18.09.2025

Present: Appellant in person and Ms. Neha Sharma, Adv. appears through VC.

Sh. Sandeep Kumar, AR of R1 Bank in person and Sh. Akshay Bhardwaj, Adv.

R3/Principal Borrower in person with Sh. Anindya Mishra, Proxy Counsel.

Quorum is not complete.

It is pointed out by Sh. Bhardwaj that principal borrower has already been afforded the benefit of moratorium on account of covid which is reflected in the account statement dated 06.11.2020.

It seems that principal borrowers R2 & R3 are not willing to make payment, despite concessions offered by the bank. There does not seem to be any scope for settlement.

Sh. Bhardwaj prays for vacation of protection to the principal borrower R2 & R3.

Interim order is modified to the extent that recovery qua the appellant only, shall remain stayed till further orders. However, R1 bank shall be within its right to effect recovery from the principal borrowers R2 & R3.

Pleadings are complete in the matter. However, TCR has not received.

Issue notice to the concerned AR of the RCS to present with the Trial Court record on 14.10.2025.

Copy of this order be given to the parties.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 128/2024/DCT

18.09.2025

Present: Sh. Vaibhav Chaurasiya, Proxy Counsel for the Appellant Society.

Sh. R. Krishnan, Attorney of the Respondent appears through VC and Ms. Anjali Pandey, Proxy Counsel in person.

Quorum is not complete.

Ms. Anjali seeks more time to file reply. Let this be the last opportunity for filing reply. Advance copy of reply be served upon the appellant's counsel.

Adjourned for arguments to 21.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 129/2024/DCT

18.09.2025

Present: Sh. Vaibhav Chaurasiya, Proxy Counsel for the Appellant Society.

Respondent in person with Ms. Anjali Pandey, Proxy Counsel in person.

Quorum is not complete.

Ms. Anjali seeks more time to file reply. Let this be the last opportunity for filing reply. Advance copy of reply be served upon the appellant's counsel.

Adjourned for arguments to 21.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 150/2023/DCT

18.09.2025

Present: Sh. Rameshwar Singh Rana, Adv. for the Appellant appears through VC.

Sh. Chaman Lal, Adv. for Respondent Society appears through VC.

Quorum is not complete.

Sh. Rana seeks more time for furnishing the address of principal borrower by moving appropriate application for their substituted service.

It is pointed out by Sh. Chaman Lal that paper book served upon the respondent society is not complete. Sh. Rana undertakes to supply complete paper book to Sh. Chaman Lal during the course of the day.

Adjourned for further proceedings to 12.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 041/2025/DCT

18.09.2025

Present: Sh. Aakash, Proxy Counsel for the Appellant Society appears through VC.

Sh. Rajesh Katariya, Son of the Respondent with Sh. Rajiv Vig, Adv.

Quorum is not complete.

Reply to the application for condonation of delay has been filed. Copy supplied to appellant's counsel.

Adjourned for arguments to 03.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

18.09.2025

Present: Sh. Rameshwar Singh Rana, Adv. for the Appellant appears through VC.

Sh. Chaman Lal, Adv. for Respondent Society appears through VC.

Quorum is not complete.

Sh. Rana seeks more time for furnishing the address of principal borrower by moving appropriate application for their substituted service.

It is pointed out by Sh. Chaman Lal that paper book served upon the respondent society is not complete. Sh. Rana undertakes to supply complete paper book to Sh. Chaman Lal during the course of the day.

Adjourned for further proceedings to 12.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal Nos. 007/2023 & 161/2022/DCT

18.09.2025

Present: Sh. Bharat Bhushan Bhatia, Adv. for the Appellant
appears through VC.

Sh. Rajiv Vig, Adv. for Neelkamal CGHS Society.

Quorum is not complete.

Adjourned for arguments to 11.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal Nos. 162/2022 & 198/2022/DCT

18.09.2025

Present: Sh. Bharat Bhushan Bhatia, Adv. for the Appellant appears through VC.

Sh. Rajiv Vig, Adv. for Neelkamal CGHS Society appears through VC.

Quorum is not complete.

Adjourned for arguments to 11.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 179/2022/DCT

18.09.2025

Present: Sh. Bharat Bhushan Bhatia, Adv. for the Appellant appears through VC.

Sh. Rajiv Vig, Adv. for Neelkamal CGHS Society appears through VC.

Quorum is not complete.

Adjourned for arguments to 11.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 023/2018 & 095/2018/DCT

18.09.2025

Present: Appellant Sh. Bhagat Ram in person with Sh. A.K. Singh, Adv.

Sh. Chandrachur Bhattacharya, Adv. for Vikram Nagar CGHS Ltd.

Sh. V.S. Rana, Adv. for LR's of Sh. Pawan Kumar, Sh. R.S. Gupta & Sh. R.B. Chawla, who are Respondents in Appeal No.-095/2018.

Quorum is not complete.

Adjourned for arguments to 11.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)