

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

DAILY ORDERS

Order of 21.08.2025

21.08.2025

Present: Ms. Sanjana, Adv. for the Appellant.

Fresh appeal filed on 05.08.2025. Be checked and registered.

It is noticed that the application for condonation of delay has not filed by the appellant. Let the needful be done within one week from today along with PF.

Notice be thereafter issue to the Respondent Society in the main appeal as well as application for condonation of delay and stay on filing of PF/Speed Post returnable on 24.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 070/2025/DCT

21.08.2025

Present: Sh. Agam Jain, Adv. for the Appellant appears through VC.

Fresh appeal filed on 05.08.2025. Be checked and registered.

It is noticed that all parties which were represented before the Ld. Arbitrator have not been impleaded in the appeal, especially the principal borrower and other sureties.

Let the amended memo of parties with consequential amendment in the appeal, if any, be filed within one week from today.

Adjourned to 26.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 073/2025/DCT

21.08.2025

Present: Appellant in person and Md. Imran, Adv. appears through VC.

Fresh appeal filed on 14.08.2025. Be checked and registered.

Issue notice to R1 to R4 in the main appeal as well as in the application for stay on filing of PF/Speed Post returnable on 10.10.2025.

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

21.08.2025

Present: A1 in person and Sh. Sandeep Kumar, Adv. appears through VC.

Sh. Ram Vilas, AR of R1 Bank with Sh. Tushar Ahuja, Adv.

Sh. Madhup Kumar, Adv. for R2 appears through VC.

Quorum is not complete.

Sh. Madhup Kumar submits that he himself along with R2 went to the Nangloi Branch of the bank and there was lack of cooperation. Ld. Counsel for R1 Bank on the other hand submits that R2 had not given any proposal for settlement.

The terms of settlement had been proposed by this Tribunal vide its order dated 04.06.2025. Since, the parties have not been able to settle among themselves, let a responsible person from the respondent bank and R2 be present before the Tribunal on the adjourned date. Ld. Counsel for R2 further submits informs that R2 has picked up a job in Ludhiana. Let his R2 latest address along with his place of employment, be placed on record by way of an affidavit.

Adjourned to 14.10.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

21.08.2025

Present: One of the Appellant Sh. Mahesh Bhatia in person with Ms. Anjna Masih, Adv. along with Sh. Nikhil Kataria and Sh. Kunal, Advocates.

Sh. Manmohan, AR of R1 Society.

Quorum is not complete.

Ms. Anjna submits that there was reluctance on behalf of the respondent society in accepting the notice. It is also pointed out that the society has shifted its address from Pankha Road, Uttam Nagar to District Centre, Janakpuri. No intimation of change of address was ever intimated to the appellants who are the sureties and the borrowers.

AR of the society has explained that the person carrying the notices, was not carrying an ID. Therefore, the society was reluctant in accepting the notices.

The conduct of the society is not appreciated. Notice from Delhi Cooperative Tribunal is obligatory to be accepted by the society in case they want to contest the appeal. There is no favour done to the DCT by accepting notices for contesting the appeal. Respondent Society is directed to be careful in future. Let the latest address of the society be filed by the society, by way of an affidavit with an advance copy to the counsel for the appellant.

Ms. Anjna further submits that the principal borrower Sh. Mahesh Bhatia is willing to get the loan account regularised. It is submitted that the default occurred on account of his physical ailments. However, the society recalled the entire loan without giving an opportunity to him to get the same regularised.

In the aforesaid facts and circumstances, it is submitted by Ms. Anjna that recovery from A2 Smt. Alice Bhatia be stayed.

Since the principal borrower who is present in Court, is willing to settle the matter and get the loan account regularised, further recoveries from the surety Smt. Alice Bhatia vide recovery certificate dated 10.10.2024 and the consequential attachment order dated 30.05.2025 in execution case no. 3243/24-25 in the Jeevan Co-op T/C Society Ltd. Vs. Smt. Alice Bhatia issued by the Assistant Collector Gr. I shall remain stayed till further orders.

Respondent Society may file reply to the appeal by the adjourned date with an advance copy to the appellant's counsel. Meanwhile, principal borrower may visit the office of Respondent Society to meet the concerned authority on 09.09.2025 at 02:00 PM and try to work out a settlement.

Let the parties explore possibility of settlement. The Respondent Society should be open to settling the account with permissible concessions. Respondent Society may also consider waiving off the penal interest and litigation expenses.

AR of the Society undertakes that no coercive action shall be taken against the Principal Borrower when he visits the Society for settlement.

To report settlement, list on 15.10.2025.

Copy of this order be given dasti to the parties.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

21.08.2025

Present: One of the Appellant Sh. Mahesh Bhatia in person with Ms. Anjna Masih, Adv. along with Sh. Nikhil Kataria and Sh. Kunal, Advocates.

Sh. Manmohan, AR of R1 Society.

R2 Sh. Sahil Sharma in person.

Quorum is not complete.

Ms. Anjna submits that there was reluctance on behalf of the respondent society in accepting the notice. It is also pointed out that the society has shifted its address from Pankha Road, Uttam Nagar to District Centre, Janakpuri. No intimation of change of address was ever intimated to the appellants who are the sureties and the borrowers.

AR of the society has explained that the person carrying the notices, was not carrying an ID. Therefore, the society was reluctant in accepting the notices.

The conduct of the society is not appreciated. Notice from Delhi Cooperative Tribunal is obligatory to be accepted by the society in case they want to contest the appeal. There is no favour done to the DCT by accepting notices for contesting the appeal. Respondent Society is directed to be careful in future. Let latest address of the society be filed by the society, by way of an affidavit with an advance copy to the counsel for the appellant.

Ms. Anjna further submits that the principal borrower Sh. Sahil Sharma is willing to get the loan account regularised. It is submitted that the default occurred on account of, has mental stress. However, the society recalled the entire loan without giving an opportunity to him to get the same regularised.

In the aforesaid facts and circumstances, it is submitted by Ms. Anjna that recovery from A1 Smt. Alice Bhatia be stayed.

Since the principal borrower (R2) who is present in Court, is willing to settle the matter and get the loan account regularised, further recoveries from the surety Smt. Alice Bhatia vide recovery certificate dated 16.04.2024 and reminder dated 30.05.2025 in execution case no. 456/24-25 in the Jeevan Co-op T/C Society Ltd. Vs. Smt. Alice Bhatia issued by the Assistant Collector Gr. I shall remain stayed till further orders.

Respondent Society may file reply to the appeal by the adjourned date with an advance copy to the appellant's counsel. Meanwhile, principal borrower (R2) may visit the office of Respondent Society to meet the concerned authority on 09.09.2025 at 02:00 PM and try to work out a settlement.

Let the parties explore possibility of settlement. Respondent Society should be open to settling the account with permissible concessions. Respondent Society may also consider waiving off the penal interest and litigation expenses.

AR of the Society undertakes that no coercive action shall be taken against the Appellant, Principal Borrowers when the visits the Society for settlement.

To report settlement, list on 15.10.2025.

Copy of this order be given dasti to the parties.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

21.08.2025

Present: One of the Appellant Sh. Mahesh Bhatia in person with Ms. Anjna Masih, Adv. along with Sh. Nikhil Kataria and Sh. Kunal, Advocates.

Sh. Manmohan, AR of R1 Society.

Quorum is not complete.

Ms. Anjna has placed on record an affidavit of service on R2, principal borrower Sh. Kishore Kumar. Photographs depicting affixation has also been filed. Same are taken on record. R2 Principal borrower Sh. Kishore Kumar is therefore, deemed to have been served. However, he has chosen not to appear and is therefore, proceeded against ex-parte.

Ms. Anjna submits that appellant had gone to the office of the respondent society to take a loan for themselves and there at the asking of the dealing hand, their signatures were obtained on the surety bond for borrower Sh. Kishore Kumar; though, the appellants do not personally know Sh. Kishore Kumar.

It is further submitted that the appellants were not served before by the Ld. Arbitrator and therefore, they did not get any opportunity to put forth their version that the borrower is not personally known.

On a query by the Tribunal, Sh. Manmohan, AR of the society submits that though recovery proceedings are pending against the principal borrower Sh. Kishore Kumar, however, he is avoiding service and he is even evading the warrants.

It is not a case where principal borrower Sh. Kishore Kumar has passed away or is not traceable. Initial attempt of the society as well as the O/o RCS should be to first effect the recovery from the principal borrower. Only on non-availability of the sufficient funds with the principal borrower, sureties should be called upon to make the payment. Since, there do not seem to be sufficient steps taken for recovery from the principal borrower, recovery from appellant Smt. Alice Bhatia vide recovery certificate dated 10.10.2024 and reminder dated 30.05.2025 in execution case no. 3245/24-25 in the Jeevan Co-op T/C Society Ltd. Vs. Smt. Alice Bhatia issued by the Assistant Collector Gr. I shall remain stayed till further orders.

The society shall be within its right to take all possible coercive measures to effect recovery from the principal borrower Sh. Kishore Kumar.

The Respondent Society may file reply to the appeal by the adjourned date with an advance copy to the appellant's counsel.

Copy of this order be given dasti to the parties.

Adjourned to 15.10.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 106/2023/DCT

21.08.2025

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

Sh. Kailash Chand Gupta, Official of the Respondent Society.

Quorum is not complete.

TCR has been received.

Adjourned for arguments to 10.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 107/2023/DCT

21.08.2025

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 submits that by way of an RTI, he has been able to get the latest address of principal borrower R2.

Amended memo of parties with latest address of R2 be filed within two weeks from today. Notice be thereafter issue to R2 on filing of PF/Speed Post returnable on 14.10.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 108/2023/DCT

21.08.2025

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

Sh. Satyapal Bansal, President of R1 Society.

Quorum is not complete.

TCR has not received despite service. Issue fresh notice to the concerned AR of the RCS to be present with the Trial Court record on 19.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 065/2023/DCT

21.08.2025

Present: Appellant in person with Sh. Binod Kumar Singh, Adv.
Sh. Satyapal Bansal, President of R1 Society.

Quorum is not complete.

TCR has not received despite service. Issue fresh notice to the concerned AR of the RCS to be present with the Trial Court record on 19.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 135/2022/DCT

21.08.2025

Present: Utkarsh Batra, Adv. for the Appellant Society appears through VC.

None for the Respondent.

Quorum is not complete.

Adjourned to 10.10.2025 to await the quorum.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 099/2018/DCT

21.08.2025

Present: Sh. Sandeep Kumar, Adv. for the Appellant Society appears through VC.

Sh. Amit Sharma, CAE of DCHFC in person and Sh. Mayank Bamniyal, counsel appears through VC.

Respondents Sh. Naresh Kumar Verma, Sh. Anil Sharma & Sh. S.K. Verma in person.

Quorum is not complete.

Adjourned to 14.10.2025 to await the quorum.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

At 12:15PM:

Present: Sh. Sandeep Kumar, Adv. for the Appellant Society appears through VC.

Sh. Amit Sharma, CAE of DCHFC.

Respondents Sh. Naresh Kumar Verma, Sh. Anil Sharma & Sh. S.K. Verma in person.

On request of the respondents, date of 14.10.2025 is preponed to 02.09.2025.

Adjourned to 02.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 119/2018/DCT

21.08.2025

Present: Sh. Amit Sharma, CAE of DCHFC in person and Sh. Mayank Bamniyal, counsel through VC.

Sh. Sandeep Kumar, Adv. for the Delhi Niwas CGHS Ltd. appears through VC.

Respondents Sh. Naresh Kumar Verma, Sh. Anil Sharma & Sh. S.K. Verma in person.

Quorum is not complete.

Adjourned to 14.10.2025 to await the quorum.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

At 12:15PM:

Present: Sh. Sandeep Kumar, Adv. for the Delhi Niwas CGHS Ltd. appears through VC.

Sh. Amit Sharma, CAE of DCHFC.

Respondents Sh. Naresh Kumar Verma, Sh. Anil Sharma & Sh. S.K. Verma in person.

On request of the respondents, date of 14.10.2025 is preponed to 02.09.2025.

Adjourned to 02.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Review Petition No. 012/2022/DCT

21.08.2025

Present: Sh. Naveen Rathore, AR of the Review Petitioner Bank
with Sh. Surender Chauhan, Adv.

Respondent in person.

Quorum is not complete.

Adjourned to 16.10.2025 to await the quorum.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)