

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

DAILY ORDERS

Order of 22.08.2025

22.08.2025

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

Fresh appeal filed on 19.08.2025. Be checked and registered.

Sh. Sandeep Kumar, at the threshold points out that impugned order dated 22.05.2025 was dispatched from the O/o RCS on 24.06.2025. The appeal filed on 21.08.2025 is therefore, within limitation. The appeal is therefore, entertained.

On merits, it is argued that taking cognizance of the anonymous complaint dated 03.01.2025, an Administrator has been appointed vide impugned order whereas duly elected committee had taken over on 16.01.2025. The election result dated 16.01.2025 was intimated to the O/o RCS and the committee is satisfactorily discharging its functions. It is further pointed out that the complaint dated 03.01.2025, does not bear any name of the complainants. Referring to the order passed in similar circumstances by this Tribunal in appeal no. 097/2023/DCT, titled as Sanskrit Nagar CGHS Ltd. Vs. RCS & Ors. It is submitted that election cannot be invalidated by invoking section 35(5) of the DCS Act.

Issue notice of the appeal to R1 & R2 on filing of PF/Speed Post returnable on 23.09.2025.

Meanwhile, operation of the impugned order dated 22.05.2025 passed by the Assist. Registrar, Banking shall remain stayed till further orders.

PF/Speed post be filed within three days from today.

Copy of this order be given dasti to the appellant.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

22.08.2025

Present: Ms. Nisha Raj, Proxy Counsel for the Appellant.

Sh. R.M. Singh, AR of R1 Society with Sh. Durgesh Rai, Adv.

Quorum is not complete

Reply to the main appeal as well as reply to the application for condonation of delay and stay have been filed by R1 Society. Same are taken on record. Copy supplied to the proxy counsel.

Notice was issued to concerned AR of RCS to produce the TCR. Despite service, none has appeared with the record.

Let Show-Cause Notice be issued to the concerned AR as to why bailable warrant be not issue against him for not being present and for not making available the Trial Court Record returnable on 25.09.2025.

Meanwhile, appellant to furnish address of R2 & R3.

Adjourned to 25.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 038/2025/DCT

22.08.2025

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

Quorum is not complete.

It is noticed that 2nd set of the appeal has not been filed. Let the needful be done on or before the adjourned date.

On request of the counsel, adjourned to 28.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 042/2025/DCT

22.08.2025

Present: Appellant in person with Sh. Shahid Ahmed and Ms. Shabnam, Advocates.

None for the Respondent Society.

Quorum is not complete.

Ld. Counsel for the appellant submits that appellant had visited the society and he has been promised a proposal for settlement within three days.

Adjourned to 08.09.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

22.08.2025

Present: Sh. H.R. Aggarwal, Secretary of the Appellant Society in person and Sh. Sandeep Kumar, Adv.

Proxy Counsel for Ms. Vasu Singh, Adv. for R1 appears through VC.

R2 Sh. Vinod Mishra in person.

Sh. Abhishek Garg, Adv. for the Intervener Sh. Rajan Gupta.

Quorum is not complete.

Proxy Counsel for Ms. Vasu Singh, Adv. for R1 has appeared and prays for a pass over.

Passed over.

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

22.08.2025 (at 12:20PM)

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

None for R1.

R2 Sh. Vinod Mishra in person.

Sh. Abhishek Garg, Adv. for the Intervener Sh. Rajan Gupta.

Quorum is not complete.

Sh. Abhishek Garg, counsel for intervener Sh. Rajan Gupta presses his application u/s 151 CPC for permitting the intervener to join the proceedings. It is submitted that the impugned order was passed on a representation moved by the present applicant to the RCS. It is submitted that the presence of Sh. Rajan Gupta is necessary for this Tribunal to finally adjudicate the lis in dispute.

Ld. Counsel for the society has strongly contested the application. Reference is made to order dated 23.06.2023 passed by this Tribunal in appeal no. 097/2023/DCT titled as Sanskrit Nagar CGHS Ltd. Vs. RCS & Ors., where the Tribunal had observed that there was no justification for the complainant to be impleaded as party. Sh. Sandeep Kumar has further argued that defining 'necessary party' UO1R10CPC, Hon. Supreme Court of India in *Kasturi Vs. IYYAMPERUMAL & Ors., reported as AIR2005SC2813* held that there

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are two tests which are required to be satisfied for determining the question as to who is a necessary party. Firstly, there must be some relief sought against the said party. Secondly, no effective decree can be passed in the absence of such party.

In rebuttal, Sh. Abhishek Garg has submitted that intervener is in any case a 'proper party' who will be of assistance to this Tribunal in adjudicating the dispute.

I have heard the Ld. Counsels and with their assistance, perused the application.

Without going into the rival contentions at this stage, this Tribunal is of the opinion that a person who had set the ball rolling by moving a representation before the RCS, should be afforded an opportunity of contesting the appeal which is impugning the order passed at his behest.

The application is therefore allowed.

Sh. Rajan Gupta is permitted to be impleaded as a intervener.

Sh. Garg on instructions from Sh. Rajan Gupta, who is present in Court, submits that no formal reply to the appeal is required to be filed and he shall address arguments in consonance with the counsel representing RCS on the adjourned date.

Since, Ms. Vasu Singh who had moved an application for vacation of stay has not joined the proceedings, adjourned for her appearance and for arguments on the application for vacation of stay to 08.10.2025.

Sh. Sandeep Kumar has filed reply to the application for vacation of stay.

Reply, if any, to the appeal may also be filed by the O/o RCS by the adjourned date.

Adjourned for arguments to 08.10.2025

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 061/2024/DCT

22.08.2025

Present: Sh. J.K. Sharma, Adv. for the appellant appears through VC.

Sh. Yash Bhardwaj and Sh. Bharat Kumar, Advocates for the Respondent Society.

Quorum is not complete.

Ld. Counsels for the respondent society has filed their Vakalatnama. Same is taken on record. Ld. Counsels further submits that they were not served upon the grounds of appeal. Sh. Sharma undertakes to supply soft copy of the paper book within two days from today.

Reply, if any, be filed by the adjourned date with an advance copy to the appellant.

Adjourned to 09.10.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

22.08.2025

Present: None for the appellant

Sh. Manmohan, AR of R1 Society in person and Sh. Pankaj Kishore Gupta, Adv. appears through VC.

Quorum is not complete.

AR of the respondent society submits that a cheque of Rs. 2,70,000/- was handed over to the society by Ms. Mithlesh, widow of R2. However, after having handed over the cheque, she telephonically informed the next day for not encashing the cheque. However, by that time, the society had already put the cheque in bank.

Adjourned to await further development to 12.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 117/2024/DCT

22.08.2025

Present: Sh. Rajiv Vig, Adv. for the Appellant Society appears through VC.

Sh. Tanmay Mishra, Adv. for the Respondent.

Quorum is not complete.

Sh. Mishra submits that no reply is to be filed by the respondent.

Adjourned for arguments to 14.10.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 144/2024/DCT

22.08.2025

Present: Sh. Adarsh Kumar, Proxy Counsel for the Appellant appears through VC.

Sh. Ashok Yadav, Adv. for the Respondent Society appears through VC.

Show Cause notice was issued to concerned AR of RCS to produce the TCR. Despite service, none has appeared with the record.

Let fresh Show-Cause Notice be issued to the concerned AR as to why bailable warrant be not issue against him for not being present and for not making available the Trial Court Record returnable on 19.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 145/2024/DCT

22.08.2025

Present: Sh. Adarsh Kumar, Proxy Counsel for the Appellant appears through VC.

Sh. Gopal Krishan, AR of R1 Society with Ms. Varsha Aggarwal, Adv.

Quorum is not complete.

Sh. Gaurav Kumar, Sr. Assistant from the O/o RCS has appeared and brought TCR. Same is taken on record. Reply to the appeal has been filed. Same is taken on record.

Proxy Counsel for the appellant submits that the arguing counsel is not available today.

Adjourned for arguments to 03.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 146/2024/DCT

22.08.2025

Present: Sh. Adarsh Kumar, Proxy Counsel for the Appellant appears through VC.

Sh. Gopal Krishan, AR of R1 Society with Ms. Varsha Aggarwal, Adv.

Quorum is not complete.

Sh. Gaurav Kumar, Sr. Assistant from the O/o RCS has appeared and seeks more time for tracing the record.

Proxy Counsel for the appellant submits that the arguing counsel is not available today.

Now to come up on 19.09.2025 for producing the TCR and for arguments on 03.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 016/2024/DCT

22.08.2025

Present: Pradeep Kumar Shukla, husband of the appellant with
Sh. Raj Kumar Tanti, Adv.

None for the Respondent Society.

Quorum is not complete.

Ld. Counsel for the appellant submits that in the execution
proceedings, there is likelihood of the appellant making payment of the
demanded amount.

Adjourned to 15.10.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 164/2023/DCT

22.08.2025

Present: Sh. Suresh Aggarwal, counsel for the Appellant.

None for the Respondents.

Quorum is not complete.

It is pointed out by Sh. Aggarwal, counsel for the appellant that no reply has been filed by the respondents. Therefore, right to file reply is closed.

Trial Court record already received.

Adjourned to 14.10.2025 for arguments.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

22.08.2025

Present: Sh. Sanjay Tripathi, Adv. for the Appellant appears through VC.

R4 Sh. Fazrudin in person.

Ms. Tasmiya Rehman, AR of the Respondent Bank in person and Sh. Gautam Chakraverty, Adv. appears through VC.

Quorum is not complete.

Towards settlement arrived at in proceedings of 10.07.2025, R4 has handed over Bankers Cheque bearing no. 916837 dated 20.08.2025 of Rs. 1,00,000/- in favour of the respondent bank, to the AR of the bank towards part payment of the settled amount. AR of the bank has signed the copy of the banker's cheque, which is taken on record. R4 prays for extension of time to make the balance payment of Rs. 4,50,000/-. However, he volunteers that he shall positively arrange for at least Rs. 3,00,000/- by 15.09.2025.

AR of the Bank prays that necessary directions be issued to Asst. Collector Grade-I, office of RCS to waive off the surcharge of 5 % in execution & recovery case no. 440/20-21 titled as Jamia Coop. Bank Ltd. Vs. Naved Akhtar.

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 bank is not liable to any surcharge.

Adjourned to 15.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

22.08.2025

Present: Appellant in person

Sh. Madan Mohan, AR of R1 Society appears through VC.

Quorum is not complete.

Notice was issued to concerned AR of RCS to produce the TCR. Despite service, none has appeared with the record.

Let fresh Show-Cause Notice be issued to the concerned AR as to why bailable warrant be not issue against him for not being present and for not making available the Trial Court Record returnable on 19.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

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

Appeal No. 165/2015/DCT

In the matter of :

Sh. Nitesh Sharma

...Appellant

Vs.

**The Sahu Coop. U/T/C Society
Ltd. & Ors.**

...Respondents

22.08.2025

Present: Appellant in person.

Sh. Raj Kumar Sahu, AR of the Respondent Society.

Quorum is not complete.

It is submitted that after adjusting the CD and share money, the amount due is Rs. 71,854/-. At this stage, appellant submits that the same shall be paid during the course of the day.

Passed over for transferring the amount.

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

22.08.2025 (at 12:15 PM)

Present: As above.

The appellant has transferred an amount of Rs. 71,854/- by way of UPI transaction. Therefore, no further amount to be paid.

It is undertaken on behalf of the respondent society that N.O.C shall be issued within one week from today.

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 execution & recovery case.

Heard.

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The prayer for wavier 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.

It is clarified that the appellant is not entitled to CD, OD and share money. His membership stands cancelled.

The appellant submits that nothing survives in the present appeal and prays for the same to be dismissed as not pressed with liberty to seek revival in case N.O.C is issued within 15 days from today.

Heard.

Allowed as prayed for.

The present appeal is accordingly dismissed as not pressed.

File be consigned to record room.

2nd set be weeded out forthwith.

A copy of this order be sent to RCS and TCR, if any, be sent back to the concerned branch of RCS.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 023/2021/DCT

22.08.2025

Present: Sh. Ajay Bansal, Adv. for the Appellant appears through VC.

Sh. Naveen Rathore, AR for R1 Bank in person and Sh. Deepak Sahni, Adv. appears through VC.

Sh. Avnish Maithani, proxy counsel for Sh. Namit Saxena, LAC for R2.

Quorum is not complete.

Ld. Counsels prays for adjournment on account of suspension of work by Bar.

Adjourned for arguments to 29.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 014/2023/DCT

22.08.2025

Present: Sh. Balkishan, AR of the Appellant Society.

Sh. Amit Bhatnagar, Adv. for the Respondent Bank appears through VC.

Quorum is not complete.

Adjourned to 03.11.2025 to await the quorum.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 196/2022/DCT

22.08.2025

Present: Sh. Ankur Arora, Adv. for the Appellant Society appears through VC.

Sh. Divij Upadhyay, Proxy Counsel for the Respondent appears through VC.

Quorum is not complete.

Adjourned to 09.10.2025 to await the quorum.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 046/2025/DCT

22.08.2025

Present: Sh. Anil Kumar, Adv. for the Appellants.

Sh. Akshit Sachdeva and Sh. Arun Kumar, Advocates for R2 & R3.

Sh. Hanraj Singh, Adv. for R4 Bank.

Quorum is not complete.

Ld. Counsels/parties have already given their consent for hearing and disposal of the appeal by the Chairman, de hors the quorum.

Arguments heard.

Judgment of reliance and short synopsis, if any, be filed by both the parties within two days from today.

Put up for orders on 28.08.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 056/2025/DCT

22.08.2025

Present: Sh. Ravindra Krishan, Official of the Bank with Sh. Hansraj Singh, Adv.

Sh. Akshit Sachdeva and Sh. Arun Kumar, Advocates for R2 & R3.

Sh. Anil Kumar, Adv. for R5 to R16.

Quorum is not complete.

Ld. Counsels/parties have already given their consent for hearing and disposal of the appeal by the Chairman, de hors the quorum.

Arguments heard.

Judgment of reliance and short synopsis, if any, be filed by both the parties within two days from today.

Put up for orders on 28.08.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 173/2022/DCT

22.08.2025

Present: Appellant in person.

Sh. Pradeep Menon, Secretary of the Respondent Society with
Sh. T.K.A. Padmanabhan, Adv. along with Ms. Varsha Iyer, Adv.

Quorum is not complete.

Due to paucity of time, conciliation time is not available.

Adjourned for the same purpose to 26.08.2025 at 02:00PM.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 073/2024/DCT

22.08.2025

Present: Sh. P.S. Singh, Secretary of the Applicant Society. With Sh. M. Qayam-ud-din and Ms. Unzila Fatima, Advocates

Respondent Sh. Praveen Kumar Jain appears through VC and Adv. Asraf appears in person.

Quorum is not complete.

Due to paucity of time, conciliation time is not available.

Adjourned for the same purpose to 04.09.2025 at 02:00PM.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)