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

DAILY ORDERS

Order of 16.02.2026

Review Petition No. 003/2026/DCT

16.02.2026

Present: Sh. Adarsh Kumar, proxy counsel for

the review petitioner (through VC)

Fresh Review Petition filed on 23.01.2026 is received. It be checked & registered.

Sh.Adarsh Kumar, proxy counsel for the review petitioner submits that the main counsel has a congested throat and, therefore, can not appear.

Heard.

There is no explanation as to why the review petitioner / appellant is not present. A perusal of the record reveals that appellant has not been regularly appearing in the matter. Even for today, the review petitioner was served a court notice, in the connected matter, and despite service of court notice, the review petitioner is not present. The explanation on behalf of ld. Counsel that he has a congested throat does not seem convincing. However, in the interest of justice, one adjournment is afforded to the review petitioner/ appellant, subject to payment of costs of Rs.5,000/-, payable to the respondent/ Society.

On request, adjourned to 02.04.2026 for further proceedings.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 106/2018/DCT

16.02.2026

Present: Appellant in person with

Sh. Rajeshwar Kumar Gupta, Mrs. Panchajanya Batra Singh & Mr. Himalaya, Advs.

Sh. S.K. Sharma & Sh. J.S Anand. Advs. for the Respondent Society with Manager Sh. Chetan Anand.

During the proceedings of the Tribunal today, on the Instructions of the appellants Sh. Gupta, Ld. Counsel has offered a settlement. In the settlement appellants have volunteered to clear arrears of maintenance, electricity, and all common charges with effect from November 2008 with interest at the rate of 10%, the amount shall be paid within two months from today. It is further proposed by Sh. Gupta on behalf of the appellant that the counter claims filed in the present matter when it was at the stage of u/s 70, claiming damages alleging that construction was poor, service was not provided, stilt parking was sold etc. shall not be pressed.

The Tribunal is of the view that in order to bring harmony between the members and the society and to foster cooperation in the society terms of the settlement seem reasonable. Sh. Sharma on instructions from manager namely Sh. Chetan Anand, prays for adjournment to put the matter to MC or to the GBM if required.

Sh. Gupta, Ld. Counsel for the Respondent/ Society submits that society be also directed to issue an NOC on receipt of the entire settlement amount and the current payments. Tribunal is of the opinion that in case the terms of settlement as proposed are accepted by the society, and entire payment is paid, there is no reason that the society will not issue the NOC or no due certificate.

On request, adjourned to 06.03.2026 for further proceedings.

Copy of this order be given dasti to both.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 112/2018/DCT

16.02.2026

Present: Appellant in person with

Sh. Rajeshwar Kumar Gupta, Mrs. Panchajanya Batra Singh & Mr. Himalaya, Advs.

Sh. S.K. Sharma & Sh. J.S Anand. Advs. for the Respondent Society with Manager Sh. Chetan Anand.

During the proceedings of the Tribunal today, on the Instructions of the appellants Sh. Gupta, Ld. Counsel has offered a settlement. In the settlement appellants have volunteered to clear arrears of maintenance, electricity, and all common charges with effect from November 2008 with interest at the rate of 10%, the amount shall be paid within two months from today. It is further proposed by Sh. Gupta on behalf of the appellant that the counter claims filed in the present matter when it was at the stage of u/s 70, claiming damages alleging that construction was poor, service was not provided, stilt parking was sold etc. shall not be pressed.

The Tribunal is of the view that in order to bring harmony between the members and the society and to foster cooperation in the society terms of the settlement seem reasonable. Sh. Sharma on instructions from manager namely Sh. Chetan Anand, prays for adjournment to put the matter to MC or to the GBM if required.

Sh. Gupta, Ld. Counsel for the Respondent/ Society submits that society be also directed to issue an NOC on receipt of the entire settlement amount and the current payments. Tribunal is of the opinion that in case the terms of settlement as proposed are accepted by the society, and entire payment is paid, there is no reason that the society will not issue the NOC or no due certificate.

On request, adjourned to 06.03.2026 for further proceedings.

Copy of this order be given dasti to both.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 130/2024/DCT

16.02.2026

Present: Ms. Pinky Mishra, Proxy Counsel for the Appellant.

Sh. R. P. Sahu, counsel for the respondent/ Society

Ms. Pinki Mishra, proxy counsel submits that the appellant does not have the capacity to pay the amount, which was indicated by the Tribunal to be deposited to show his bonafides for settlement. She prays for instalments to be assigned for the said amount.

Sh. Sahu has opposed the prayer and submitted that appellant is only wasting the time of this Tribunal & of the Respondent/ Society and is not genuinely interested in the settlement.

Heard.

This Tribunal is satisfied with the submissions of Sh. R.P. Sahu, ld. Counsel for the respondent/ Society. Let the matter be heard on merits.

At this stage, it is noticed that in the impugned award, presence of present appellant is recorded in the proceedings.

Sh.R.P. Sahu, ld. Counsel for the respondent/ Society, therefore, submits that requisition of TCR can be dispensed with.

In any case, one opportunity is afforded to the office of RCS for production of TCR.

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

Now, to come up for arguments on 08.04.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 144/2024/DCT

16.02.2026

Present: Sh. Adarsh Kumar, proxy counsel for

the appellant (through VC)

None for the respondent/ Society

Sh.Adarsh Kumar, proxy counsel for the appellant submits that the main counsel has a congested throat and, therefore, can not appear.

Heard.

There is no explanation as to why the appellant is not present. A perusal of the record reveals that appellant has not been regularly appearing in the matter. Even for today, he was served a court notice and despite service of court notice, the appellant is not present. The explanation on behalf of ld. Counsel that he has a congested throat does not seem convincing. However, in the interest of justice, one adjournment is afforded to the appellant, subject to payment of costs of Rs.5,000/-, payable to the respondent/ Society.

On request, adjourned to 02.04.2026 for further proceedings.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 145/2024/DCT

16.02.2026

Present: Sh. Adarsh Kumar, proxy counsel for

the appellant (through VC)

AR for the Respondent/ Society with

Sh. Pravindra Sharma, Adv.

Sh.Pravindra Sharma, counsel for the respondent/ Society has filed his Vakalatnama, on behalf of the Respondent/ Society. Same is taken on record.

Sh.Adarsh Kumar, proxy counsel for the appellant submits that the main counsel has a congested throat and, therefore, cannot appear.

Heard.

There is no explanation as to why the appellant is not present. A perusal of the record reveals that appellant has not been regularly appearing in the matter. Even for today, he was served a court notice and despite service of court notice, the appellant is not present. The explanation on behalf of ld. Counsel that he has a congested throat does not seem convincing. However, in the interest of justice, one adjournment is afforded to the appellant, subject to payment of costs of Rs.5,000/-, payable to the respondent/ Society.

On request, adjourned to 02.04.2026 for further proceedings.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 146/2024/DCT

16.02.2026

Present: Sh. Adarsh Kumar, proxy counsel for

the appellant (through VC)

AR for the Respondent/ Society with

Sh. Pravindra Sharma, Adv.

Sh.Pravindra Sharma, counsel for the respondent/ Society has filed his Vakalatnama, on behalf of the Respondent/ Society. Same is taken on record.

Sh.Adarsh Kumar, proxy counsel for the appellant submits that the main counsel has a congested throat and, therefore, cannot appear.

Heard.

There is no explanation as to why the appellant is not present. A perusal of the record reveals that appellant has not been regularly appearing in the matter. Even for today, he was served a court notice and despite service of court notice, the appellant is not present. The explanation on behalf of ld. Counsel that he has a congested throat does not seem convincing. However, in the interest of justice, one adjournment is afforded to the appellant, subject to payment of costs of Rs.5,000/-, payable to the respondent/ Society.

On request, adjourned to 02.04.2026 for further proceedings.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Misc. Application No. 010/2023/DCT

16.02.2026

Present: Sh. Akshay Bhardwaj, counsel for applicant/ Society

None for the respondent

Sh. Akshay Bhardwaj, ld. Counsel for the applicant/ Society seeks more time to comply with the Order dated 23.09.2025.

Heard.

Let the needful be done within a week from today. On doing the needful, notice be issued to the private respondents, on filing of PF & SP, for 21.04.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 021/2023/DCT

16.02.2026

Present: None for the appellant

Sh. R.P. Sahu, Adv. for the Respondent Society appears through VC.

Case has been called twice since the morning but none has appeared on behalf of the appellant.

Sh. R.P. Sahu, ld. Counsel for the Respondent/ Society submits that society has initiated a complaint u/sec.-138 of the NI Act against the present appellant. It is further pointed out that appellant is neither paying the settlement amount nor joining the proceedings.

Heard.

This Tribunal is of the opinion that appellant is avoiding to prosecute the appeal. The same is, therefore, dismissed in default and for non-prosecution.

A copy of this order be sent to the RCS.

TCR, if any, be sent back to the concerned branch of RCS.

File be consigned to record room.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 069/2021/DCT

16.02.2026

Present: Sh. Sandeep Kumar Sharma, Counsel for the Appellant appears through VC.

Sh. S.K. Sharma, Adv. for the Respondent Society

Sh. Sandeep Kumar Sharma, ld. Counsel for the appellant submits that the account statement of the Respondent Society does not reflect the correct amount paid by the appellant. It is further submitted that the penal interest at higher rate with compounding has been added and litigation expenses are also very high.

Heard.

Let the respondent/ Society place on record fresh account statement with no penal interest, no compounding and at agreed rate of interest. Let CD money shall also be adjusted in the fresh calculation.

Adjourned to 10.03.2026 for further proceedings.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

16.02.2025

Present: Sh. Priyansh Gupta, proxy counsel for the Appellant appears through VC.

Sh. Parvinder Kumar, Manager of R1 Society with

Sh. Mukesh Garg, Adv.

Arguing counsel for the appellant is stated to be not available. Adjournment is sought.

At this stage, Sh. Mukesh Garg, ld. Counsel for the R1/ Society submits that the interim order dated 27.02.2023 be modified to be read only qua the appellant and R-1/ Society be given the liberty to seek recovery from the Principal Borrower.

Heard.

It is noticed that the R-3/ Poonam, who is surety/ widow of R-2/ Vijender Singh, who is Principal Borrower has stopped participating in the proceedings and is also not making any payment. She is the employee of Municipal Corporation of Delhi and certainly has the capacity to pay.

This Tribunal is of the opinion that interim Order dated 27.02.2023 needs a modification to the limited extent that R-1/ Society is within its right to execute the award and seek recovery from R-3/ Poonam, who is surety/ widow of R-2/ Vijender Singh, who is Principal Borrower.

On request, adjourned to 21.04.2026 for further proceedings.

On request, copy of this order be given dasti to the R-1/ Society.

Interim order to continue.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

16.02.2025

Present: Sh. Priyansh Gupta, proxy counsel for the Appellant appears through VC.

Sh. Parvinder Kumar, Manager of R1 Society with

Sh. Mukesh Garg, Adv.

Arguing counsel for the appellant is stated to be not available. Adjournment is sought.

At this stage, Sh. Mukesh Garg, ld. Counsel for the R1/ Society submits that the interim order dated 27.02.2023 be modified to be read only qua the appellant and R-1/ Society be given the liberty to seek recovery from the Principal Borrower.

Heard.

It is noticed that the R-2/ Poonam, who is Principal Borrower has stopped participating in the proceedings and is also not making any payment. She is the employee of Municipal Corporation of Delhi and certainly has the capacity to pay.

This Tribunal is of the opinion that interim Order dated 27.02.2023 needs a modification to the limited extent that R-1/ Society is within its right to execute the award and seek recovery from R-2/ Poonam, who is Principal Borrower.

On request, adjourned to 21.04.2026 for further proceedings.

On request, copy of this order be given dasti to the R-1/ Society.

Interim order to continue.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 129/2024/DCT

16.02.2026

Present: Sh. Sh. S.K. Juneja, President of the Appellant Society with Sh. Manish Sharma, Manager.

Respondent in person with Sh. Mayank Rustagi & Sh. Astuti Verma, Advs.

As per the proceedings of 03.02.2026, matter is listed for the arguments in the appeal. The application for stay on proposed reallotment/ draw of stilt parking moved by the respondent is also pending for disposal.

At the threshold, Sh. S.K. Juneja, President of the appellant Society seeks permission to file re-joinder to the reply, which has been served upon the appellant/ Society just 03 days earlier i.e. on 13.02.2026.

Sh. Rustagi refutes and submits that reply was served by email to the appellant on 03.02.2026. He, further submits that the appeal be disposed off early as a stay is sought with respect to the re-allotment of the car parking.

Sh. Mayank Rustagi, ld. Counsel for the respondent, in support of his application seeking stay of reallotment of car parking No.-18 submits that applicant/ respondent shall loose a valuable right with respect to the parking, which he has been authorizedly using since 2010, if Society goes ahead with the proposed re-allotment. Hon'ble High Court of Delhi, vide its order dated 12.01.2026 has restrained the Society from using any coercive measures against the applicant. Despite such an order, Society has initiated steps to take away the parking slot No.-18 from the applicant and reallot to other persons. He, therefore, prays that during the pendency of appeal, appellant/ Society be restrained to re-allot the parking space.

Sh. S.P. Juneja, President of the non-applicant/ appellant/ Society submits that the Hon'ble High Court of Delhi, vide a subsequent order dated 09.02.2026 has already declined to interfere in applicant's prayer to retain the old parking space.

We have heard Sh.Mayank Rustagi, ld. Counsel for the applicant/ respondent and Sh. S.K. Juneja, President of the appellant/ non-applicant/ Society.

Present appeal is directed against order dated 15.10.2024 passed by Ld. Deputy RCS declining to refer the dispute to arbitration, on account of the petition being barred by limitation.

Tribunal is of the view that the scope of appeal is confined to recording a finding whether a dispute exists which requires adjudication by arbitrator and whether the dispute is within limitation. The question of re-allotment of parking cannot be looked into by the Tribunal especially when the dispute has not been admitted for adjudication by the Arbitrator. The relief sought in the present application does not in any manner correspond with the relief sought in the appeal or issue before the Tribunal. Clarification, if any, with respect to the orders passed by the Hon'ble High court of Delhi cannot be looked into by this Tribunal. Application is, therefore, dismissed.

Let the appellant file rejoinder within 04 weeks from today with an advance copy to the respondent/counsel.

Adjourned for arguments on the main appeal to 28.04.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 013/2026/DCT

16.02.2026

Present: Sh. S.K.Sharma & Sh. J.S. Anand, ld. Counsels for the appellant

Amended memo of parties is taken on record.

File taken up on an oral prayer for preponement and for taking up the application u/sec.-117 of the DCS Act. Sh. S.K.Sharma, ld. Counsel for the appellant, seeks to restrain the respondent from selling/ parting with the possession or encumbering flat bearing No.-B-03 in MOD CGHS Ltd.

It is submitted by Sh. Sharma that R-2 (as per the amended memo of parties), who is LR of R-1 deposited a cheque for the amount of Rs. 2,72,047/- towards part payment of the awarded amount and he is also in the process of selling the flat to some unknown person. Sh. S.K.Sharma, ld. Counsel for the appellant further seeks permission, firstly, to encash the aforesaid cheque and secondly, seeks restrainment on the R-2 to sell or encumber or part with the flat in question till the award is completely satisfied.

Heard.

For the reasons submitted, matter is preponed.

Application u/sec.-151 CPC has been moved seeking to place on record copy of the cheque amounting Rs.2,72,047/- and permission to encash the same is allowed. Cheque tendered by the R-2 is permitted to be encashed.

Let notice of the main appeal, application u/sec.-117 of the DCS Act be issued to the respondent no.-2, on filing of PF, SP & Dasti, for 02.03.2026.

Date already given i.e. 01.04.2026 is cancelled.

Copy of this order be given dasti to the appellant.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 030/2025/DCT

16.02.2026

Present: None for the appellant

Respondent in person

Vide separate order announced today, present appeal is dismissed.

A copy of this order along with judgment be sent to the RCS.

TCR, if any, be sent back to the concerned branch of the RCS.

File be consigned to record room.

2nd set be weeded out forthwith.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)