

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

DAILY ORDERS

Order of 07.01.2026

Appeal No. 148/2025/DCT

07.01.2026

Present: Appellant in person with Sh. Shiv Kumar & Ms. Aparna Gupta, Advocates.

To come up along with connected matter bearing appeal no. 128/2025 on 11.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

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

Appeal No. 149/2025/DCT

In the matter of :

**Dr. Bijender Singh & Ors.
Vs.
The RCS & Ors.**

**...Appellants
...Respondents**

07.01.2026

Present: Sh. Rakesh Munjal, Sr. Adv. along with Sh. Lokesh,
Adv. for the Appellant.

Fresh appeal filed on 29.12.2025. Be checked and registered.

Sh. Munjal has referred to the report submitted by Hon'ble Justice (Retd.) Sh. V.K. Jain wherein the claim petitioners have been declared to be deemed de-funct society. It is further submitted by Sh. Munjal on instructions from the assisting counsel that post the report dated 10.05.2024, submitted by Hon'ble Justice (Retd.) Sh. V.K. Jain, none of the societies have been got audited and continue being defunct. Now referring to proviso to Section 20(5) of the Act, it is submitted that the claim petitioners had no Locus Standi to file the claim petition. The Ld. Additional RCS had committed an error in entering a claim petition which was not maintainable.

Issue notice to R1 to R15 on filing of PF/SP.

Meanwhile, operation of the order dated 04.11.2025 passed by Sh. Lekhraj, Ld. Additional RCS shall remain stayed till further orders.

Notice returnable on 09.02.2026.

Copy of this order be given dasti to the appellant.

**(J.P. AGRAWAL)
MEMBER (DCT)**

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

07.01.2026

Present: A2 in person with Ms. Sachi Chopra, Adv.

Sh. Karan Gupta, Adv. for R2 Society.

Matter is listed for arguments on the maintainability of the appeal.

Ms. Chopra has drawn our attention to the order dated 01.08.2025 passed by Hon'ble High Court of Delhi in WP(C) 6636/2025 giving liberty to the petitioner therein to take recourse to the alternate remedy. There is also an observation therein that the alternate remedy lies u/s 112(1)(d) of the DCS Act, 2003. Ms. Chopra has also relied upon law laid down by the Hon'ble High Court of Delhi in *All India Equality Forum & Others Vs. Union of India, Through its Secretary and Others* reported as **2017:DHC:4706-DB**.

On the other hand, Sh. Gupta, counsel for the society has drawn our attention to law laid down by Hon'ble High Court of Delhi in *Narender Kumar Jain Vs. Govt. of NCT of Delhi* reported as **2008:DHC:2891-DB** and *Col. Suresh Chand (Retd.) & Another Vs. Delhi Cooperative Tribunal & Ors.* reported as **2010 (114) DRJ 347 (DB)** It is submitted by Sh. Gupta that in view of law laid down by the Hon'ble High Court of Delhi in *Narender Kumar Jain Vs. Govt. of NCT of Delhi*'s case (*supra*) and *Col. Suresh Chand (Retd.) & Another Vs. Delhi Cooperative Tribunal & Ors.*'s case (*supra*) directly dealing with the issue in hand; held that the right forum is arbitration and not the DCT. He also submits that in case the DCT decides the issue at first instance, respondent loses opportunity of a statutory appeal.

Without going into merits of the counter claims; we have gone through the law laid down by the Hon'ble High Court of Delhi in *Narender Kumar Jain Vs. Govt. of NCT of Delhi*'s case (*supra*), subsequently followed in *Col. Suresh Chand (Retd.) & Another Vs. Delhi Cooperative Tribunal & Ors.*'s case (*supra*) wherein the division bench of the Hon'ble High Court has held as under:

Para 7 of *Narender Kumar Jain Vs. Govt. of NCT of Delhi*

7. 'Having given the controversy careful cogitation, our conclusion is that matters relating to the elections would stand covered by Section 70 of the DCS Act. Disputes of this category must, therefore, be decided through arbitration. On a perusal of the entire gamut of Section 35 disputes arising therefrom would relate to secret ballots, term of office of the elected members, holding or failure to hold elections, eligibility or disqualification for sending for elections and representation on behalf of the Government if it has subscribed to the share capital of cooperative society.

Contd...

...Contd

*This confusion could have been avoided if care had been taken in drafting of Sections 35 and 70. Since it has not been the case of the Petitioners before us at any stage that the Appeal decided by the Tribunal was not maintainable, we think it inexpedient to set aside the impugned Order on this technical ground. It is obvious that all the parties proceeded on the assumption that the Appeal before the Tribunal was maintainable. There can be no gain saying that it is only in an exceptional case that evidence is recorded by the Appellate Forum. Disputes pertaining to elections invariably raise disputed questions of fact which cannot conveniently be decided in appellate proceedings. This is another reason which has persuaded us to hold that election disputes, under the DCS Act, must be decided through arbitration, as per Section 70 of the DCS Act and against the decision or Award published thereon, an appeal would lie under Section 112. We are fortified in this view by the decision in *New Friends Cooperative House Building Society Ltd. –vs- Rajesh Chawla*, (2004) 5 SCC 795 where it has been observed that “separate forums are available in the statutory governing and functioning of cooperative society.....Assuming without accepting that the stand taken for the alleged defaulters can be entertained and gone into in the course of conduct of election, it could, if at all, be only for the limited purpose of election and the right of the Society or the member for having their rights and liabilities finally and effectively get adjudicated by arbitration proceedings statutorily provided for under the statute in lieu of proceedings before the civil court, and the conclusions arrived at or recorded in the course of election proceedings shall be only without prejudice to and ultimately subject to all or any such proceedings and decisions by such statutory forums”.’*

(emphasis supplied)

Ms. Chopra points out that respondent herein who was the respondent before the Hon’ble High Court, did not raise this issue of non-maintainability of election petition before the Tribunal.

We have heard Ld. Counsels and we are of the considered opinion that in view of the law laid down by the Hon’ble High Court of Delhi in *Narender Kumar Jain Vs. Govt. of NCT of Delhi*’s case (*supra*), parties are at liberty to seek clarification from the Hon’ble High Court as regards the forum for exhausting alternate remedy available to the present appellant for challenging the election.

Adjourned to 23.02.2026 for further proceedings.

Copy of this order be given dasti to both the parties.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 110/2025/DCT

07.01.2026

Present: A1 in person and Husband of A2 in person with Sh. Ghanshyam Das Gupta, Sh. Sabhay Choudhary & Sh. Sumit Kumar, Advocates.

Sh. Vijay Kamra, Secretary of R2 Society in person and Sh. Rajiv Vig, Adv. appears through VC.

Sh. Vig submits that he is appearing for R2 to R13 and shall file reply within four weeks from today with an advance copy to appellant's counsel.

To come up for reply on 02.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 043/2025/DCT

07.01.2026

Present: Sh. S.N. Bhagat, Adv. for the Appellant appears through VC.

Sh. Lokender, AR along with Sh. Harish Sharma, Manager Legal of the Respondent Bank.

Sh. Bhagat seeks more time for the appearance of the appellant and for compliance of order dated 20.08.2025.

Let this be the last opportunity for the appearance of appellant failing which it shall be presumed that the appellant does not want to settle the matter and the matter shall be heard on merits.

Adjourned to 06.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal Nos. 119/2022 & 120/2022/DCT

07.01.2026

Present: Ms. Nisha Ranga, Adv. for the Appellant appears through VC.

Sh. Rajeev Vig, Adv. for the Respondent Society appears through VC.

Notice issued to the principal borrower R2 stands served. However, he has chosen not to appear. Sh. Vig submits that R2 is deliberately avoiding to appear before the Tribunal and is also not cooperating in the execution proceedings. He therefore, seeks directions that recovery can be effected from the principal borrower R2.

Heard.

Since, Tribunal has not stayed award qua R2, society shall be within its right to press the execution and recovery from the principal borrower R2.

Ms. Ranga prays for fresh service to R2 with liberty for affixation.

Heard.

Let fresh notice be issued to R2 on filing of PF, dasti with liberty to the appellant to affix a copy of notice at the main gate/door of R2.

Steps be taken within 10 days from today.

Let an affidavit of service along with photographs be also filed on the adjourned date.

Notice returnable on 23.03.2026.

Interim order to continue.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal Nos. 121/2022 & 123/2022/DCT

07.01.2026

Present: Ms. Nisha Ranga, Adv. for the Appellant appears through VC.

Sh. Rajeev Vig, Adv. for the Respondent Society appears through VC.

Notice issued to the principal borrower R2 has come back unserved.

Sh. Vig submits that R2 is deliberately avoiding to appear before the Tribunal and is also not cooperating in the execution proceedings. He therefore, seeks directions that recovery can be effected from the principal borrower R2.

Heard.

Since, Tribunal has not stayed award qua R2, society shall be within its right to press the execution and recovery from the principal borrower R2.

Ms. Ranga prays for fresh service to R2 with liberty for affixation.

Heard.

Let fresh notice be issued to R2 on filing of PF, dasti with liberty to the appellant to affix a copy of notice at the main gate/door of R2.

Steps be taken within 10 days from today.

Let an affidavit of service along with photographs be also filed on the adjourned date.

Notice returnable on 23.03.2026.

Interim order to continue.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

07.01.2026

Present: Ms. Nisha Ranga, Adv. for the Appellant appears through VC.

Sh. Rajeev Vig, Adv. for the Respondent Society appears through VC.

Notice issued to the principal borrower R2 has come back unserved.

Sh. Vig submits that R2 is deliberately avoiding to appear before the Tribunal and is also not cooperating in the execution proceedings. He therefore, seeks directions that recovery can be effected from the principal borrower R2.

Heard.

Since, Tribunal has not stayed award qua R2, society shall be within its right to press the execution and recovery from the principal borrower R2.

Ms. Ranga prays for fresh service to R2 with liberty for affixation.

Heard.

Let fresh notice be issued to R2 on filing of PF, dasti with liberty to the appellant to affix a copy of notice at the main gate/door of R2.

Steps be taken within 10 days from today.

Let an affidavit of service along with photographs be also filed on the adjourned date.

Notice returnable on 23.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

07.01.2026

Present: None for the appellant.

Sh. Lokender, AR along with Sh. Harish Sharma, Manager Legal of the Respondent Bank.

It is submitted that subsequent to settlement before the Tribunal, principal borrower R2 has paid up an amount of Rs. 1,45,000/- and Rs. 3,30,000/- is still due.

Issue Court notice to R2 returnable on 06.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 128/2025/DCT

07.01.2026

Present: Sh. Shiv Kumar & Ms. Aparna Gupta, Advocates for the Appellant.

Order dated 01.12.2025 has not been complied with.

Adjourned for compliance of order dated 01.12.2025 to 11.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

07.01.2026

Present: Sh. Narender Moda, President of the Appellant Society.

None for the Respondent.

Tribunal has been receiving request in the past referring poor health of Sh. Sanjay Chiripal, counsel for the respondent. Sh. Moda does not dispute the ill health of Sh. Sanjay Chiripal and also submits that Sh. Chiripal is admitted in Sir Ganga Ram Hospital. He further submits that he will endeavour to visit the hospital to see Sh. Chiripal for his well-being.

Heard.

Adjourned for further proceedings to 24.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

**Appeal Nos. 062/2021, 171/2022,
& Revision Petition No. 01/2022/DCT**

07.01.2026

Present: Sh. Narender Moda, President of the Appellant Society.

None for the Respondent.

Tribunal has been receiving request in the past referring poor health of Sh. Sanjay Chiripal, counsel for the respondent. Sh. Moda does not dispute the ill health of Sh. Sanjay Chiripal and also submits that Sh. Chiripal is admitted in Sir Ganga Ram Hospital. He further submits that he will endeavour to visit the hospital to see Sh. Chiripal for his well-being.

Heard.

Adjourned for further proceedings to 24.03.2026.

**(J.P. AGRAWAL)
MEMBER (DCT)**

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

Appeal Nos. 129/2022 & 131/2022/DCT

07.01.2026

Present: Sh. Narender Moda, President of the Appellant Society.

None for the Respondent.

Tribunal has been receiving request in the past referring poor health of Sh. Sanjay Chiripal, counsel for the respondent. Sh. Moda does not dispute the ill health of Sh. Sanjay Chiripal and also submits that Sh. Chiripal is admitted in Sir Ganga Ram Hospital. He further submits that he will endeavour to visit the hospital to see Sh. Chiripal for his well-being.

Heard.

Adjourned for further proceedings to 24.03.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Review Petition No. 020/2018/DCT

07.01.2026

Present: Sh. Rajesh Garg, President of the Review Petitioner Society with Sh. Sandeep Kumar, Adv.

Ms. Surbhi, Daughter of Respondent in person.

More time is sought on behalf of the respondent for making the settled amount.

Heard.

Adjourned for making the payment to 20.01.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 103/2016/DCT

07.01.2026

Present: Ms. Surbhi, Daughter of Appellant in person.

Sh. Rajesh Garg, President of the Respondent Society with Sh. Sandeep Kumar, Adv.

More time is sought on behalf of the respondent for making the settled amount.

Heard.

Adjourned for making the payment to 20.01.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

07.01.2026

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

Sh. Rajesh Katariya, Son of the Respondent in person and Sh. Rajiv Vig, Adv. appears through VC.

Proxy Counsel for the appellant society submits that arguing counsel for the society is suffering from leg pain.

Heard.

Let this be the last opportunity for the appellant society to address arguments.

Adjourned for arguments to 26.02.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

07.01.2026

Present: Sh. Tarun Kaushik, Proxy Counsel for the Appellant.

Sh. Rajiv Vig, Adv. for the Respondent Society appears through VC.

Sh. Kaushik prays for the presence of both the parties before the Tribunal to work out a settlement. However, Sh. Vig has opposed the same and it is submitted that appellant had visited the society in terms of order dated 03.12.2025, but did not volunteer to pay the cost of construction. Sh. Vig, therefore, submits that without the payment, her membership cannot be restored.

In the aforesaid facts and circumstances, we find that the matter cannot be settled nonetheless, if appellant wants to settle the matter, she can make the 50% of the construction costs already indicated to the appellant failing which the matter shall be heard on merits.

Adjourned to 02.04.2026.

(J.P. AGRAWAL)
MEMBER (DCT)

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)