

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

DAILY ORDERS

Order of 08.09.2025

Appeal No. 077/2025/DCT

08.09.2025

Present: Appellant in person with Sh. Anil Kumar, Adv.

Fresh appeal filed on 19.08.2025. Be checked and registered.

Issue notice to R1 to R23 on filing of PF/SP or courier returnable on 08.10.2025.

PF be filed within one week from today.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 088/2025/DCT

08.09.2025

Present: Sh. Sanser Pal Singh, Adv. for the Appellant.

Fresh appeal filed on 29.08.2025. Be checked and registered.

Let amended memo of parties be filed impleading the principal borrower and other sureties as party.

Adjourned to 23.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Appellant in person with Ms. Anjna Masih, Adv.

Sh. Manmohan, AR of R1 Society.

R3 Sh. Mahesh Bhatia in person.

Quorum is not complete.

R3 undertakes that he will settle the loan with R1 Society and shall join the mediation proceedings tomorrow, i.e. 09.09.2025 at 02:00PM.

In view of the principal borrower coming forward to settle the matter, Ms. Masih submits that recovery from the salary of the appellant be stayed.

In view of the aforesaid facts and circumstances, when the principal borrower has appeared before the Tribunal and has volunteered to settle the loan, this Tribunal is of the opinion that recovery from the salary of appellant Sh. Vikas be stayed till further orders.

R3 and appellant shall join the mediation proceedings before the respondent society on 09.09.2025, i.e. tomorrow at 02:00PM.

Adjourned for reporting settlement to 15.10.2025.

Meanwhile, R3 shall file his latest address on the adjourned date.

Copy of this order be given dasti to the appellant.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Appellant in person with Ms. Anjna Masih, Adv.

Sh. Manmohan, AR of R1 Society.

R3 Sh. Kishore Kumar in person.

Quorum is not complete.

R3 undertakes that he will settle the loan with R1 Society and shall join the mediation proceedings tomorrow, i.e. 09.09.2025 at 02:00PM.

In view of the principal borrower coming forward to settle the matter, Ms. Masih submits that recovery from the salary of the appellant be stayed.

In view of the aforesaid facts and circumstances, when the principal borrower has appeared before the Tribunal and has volunteered to settle the loan, this Tribunal is of the opinion that recovery from the salary of appellant Sh. Vikas be stayed till further orders.

R3 and appellant shall join the mediation proceedings before the respondent society on 09.09.2025, i.e. tomorrow at 02:00PM.

Adjourned for reporting settlement to 15.10.2025.

Meanwhile, R3 shall file his latest address on the adjourned date.

Copy of this order be given dasti to the appellant.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Sh. Shahid Ahmed, Adv. for the Appellant.

Sh. R.P. Sahu, Adv. for R1 Society appears through VC.

Quorum is not complete.

Ld. Counsel for the appellant submits that appellant is willing to settle the loan. However, he has not been made available the settlement amount. Ld. Counsel for R1 society on the contrary submits that appellant has not shown his willingness to settle. Since, Ld. Counsel for the appellant is expressing the appellant's consent for settlement, let the amount as per settlement terms be intimated to counsel for the appellant within one week from today.

Adjourned to 06.10.2025 for reporting settlement.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Sh. D.K. Mishra, Adv. for the Appellant.

Sh. Hariom Sharma, AR of R1 Bank.

Quorum is not complete.

Notices issued to R2 & R3 have come back un-served with the report that the address was incomplete.

Ld. Counsel for the appellant prays for yet another opportunity to serve R2 & R3.

Heard.

Let fresh notice be issued to R2 & R3 on filing of PF, dasti with liberty to the appellant to affix a copy of notice at the main gate/house of R2 & R3 in case of their non-availability at the address mentioned.

PF be filed within four days from today.

Notice returnable on 26.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Appellant in person with Sh. Shahid Ahmed, Adv.

Sh. Nivesh Sharma, AR of R1 society in person and Sh. Rajeshwar Kumar Gupta, Adv. appears through VC.

Quorum is not complete.

On behalf of the appellant, it is offered that he will pay an amount of Rs. 2,50,000/- and his CD and Share money be adjusted. Sh. Gupta submits that he will instruct the society to accept the offer. It is however, submits on behalf of the respondent society that since the appellant is a surety in certain other loan accounts, his loan account cannot be closed. The respondent society shall therefore, retain part of CD and Share money. Respondent society has agreed to adjust Rs. 50,000/- from the amount lying deposited on behalf of the appellant and shall retain the balance CD and optional deposit. It is therefore, settled between the parties that appellant shall pay and give a cheque of Rs. 2,00,000/- within 10 days from today. Respondent society shall adjust Rs. 50,000/- from the amount lying already with the society and thereafter, an N.O.C shall be issued to the appellant in the present loan account.

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 titled as Bhajanpura Coop. U/T/C Society Ltd. Vs. Sh. Vikas Kumar.

Heard.

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.

Adjourned for reporting settlement to 22.09.2025.

Copy of this order be given dasti to the parties.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Appellant in person with Sh. Ankur Aggarwal, Adv.

Sh. Omprakash Jindal, President of the Respondent Society with
Sh. Pankaj Kumar, Adv.

Quorum is not complete.

Ld. Counsel for the appellant has argued on the application for condonation of delay. It is submitted that the appellant gained knowledge of the impugned award in the year 2024 when his salary was attached. It is noticed that the award was passed way back in 2021. The arguments that appellant was not served with the notice of arbitration, cannot be settled without looking into the TCR. Since, TCR has not yet been received, arguments on application for condonation of delay cannot be heard.

This Tribunal has already directed the O/o RCS to produce the TCR in several matters. It has been promised on behalf of the O/o RCS that records shall be made available by 19.09.2025 in large number of cases.

Adjourned for the records to 19.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 128/2023/DCT

08.09.2025

Present: Appellant in person with Sh. S.P. Gairola, Adv.

None for the Respondents.

Quorum is not complete.

Issue notice to the concerned AR of the RCS to present with the Trial Court record on 19.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 148/2024/DCT

08.09.2025

Present: None for the Appellant.

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

Quorum is not complete.

Issue notice to the concerned AR of the RCS to present with the Trial Court record on 19.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 019/2025/DCT

08.09.2025

Present: Sh. S.P. Gairola, Adv. for the Appellant.

Sh. Lakshay, AR and Ms. Pooja Gupta, Secretary of R1 Society.

Quorum is not complete.

Ld. Counsel for the appellant prays for yet another opportunity to serve R2 principal borrower.

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/house of R2 in case of his non-availability at the address mentioned.

PF be filed within one week from today.

Notice returnable on 16.10.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Sh. Anil Kumar Nigam, Adv. for the Appellant.

Sh. Ravindra Krishan, Official of the Respondent Bank with Sh. Himanshu Sheria, Proxy Counsel.

Quorum is not complete.

On behalf of the respondent bank, it is disputed that the appellant has deposited Rs. 4,20,000/-. It is submitted that the bank has received only Rs. 2,60,000/- so far. Sh. Nigam submits that there seems to be some lack of communication between the respondent and the O/o RCS. Sh. Nigam, however, submits that appellant shall produce proof of deduction from his salary of the amount more than Rs. 4,00,000/-.

Adjourned to 24.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 109/2013/DCT

08.09.2025

Present: Sh. Gaurav Chauhan, Proxy Counsel for the Appellant appears through VC.

Sh. Ravindra Krishan, Official of the Respondent Bank with Sh. Himanshu Sheria, Proxy Counsel.

Quorum is not complete.

Main Counsels for both the parties are stated to be not available today.

Adjourned for arguments to 03.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 129/2021/DCT

08.09.2025

Present: Appellant in person with Sh. A.S. Khan, Adv.

Sh. Ravindra Krishan, Official of R1 Bank with Sh. Himanshu Sheria, Proxy Counsel.

R2 in person.

Quorum is not complete.

R2 submits that he intends to settle the matter, but is not possessed of sufficient amount as yet.

Let R2 visit the office of the respondent bank and try to work out a settlement.

Adjourned to 13.10.2025.

Interim order to continue till the next date of hearing only.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 128/2021/DCT

08.09.2025

Present: Appellant in person with Sh. A.S. Khan, Adv.

Sh. Ravindra Krishan, Official of R1 Bank with Sh. Himanshu Sheria, Proxy Counsel.

R2 in person.

Quorum is not complete.

R2 submits that he intends to settle the matter, but is not possessed of sufficient amount as yet.

Let R2 visit the office of the respondent bank and try to work out a settlement.

Adjourned to 13.10.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 074/2023/DCT

08.09.2025

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

Sh. Rahul Hajela, Son of the respondent in person.

Quorum is not complete.

Sh. Rahul Hajela, submits that respondent, i.e. his father shall give his consent for arguments to be heard de hors the quorum. Similar, request is also made on behalf of the appellant society as well.

Adjourned for furnishing the consent to 24.09.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

Present: Sh. Madan Mohan, AR of the Appellant Society with Sh. S.B. Upadhyay, Adv.

R1 Sh. Kishal Lal in person.

Quorum is not complete.

TCR has not been received. On 21.08.2023, on behalf of the O/o RCS, it was submitted that records are not traceable and a duplicate copy was submitted. However, on perusal of a duplicate copy reveals that the proceedings before the Arbitrator or the documents, if any, filed before the Arbitrator, are not available. Ld. Counsel for the appellant society submits that the appellant is in possession of a relevant documents and shall place on record photocopies thereof within one week from today.

Meanwhile, another reminder be issued to the O/o RCS to produce the TCR for 19.09.2025.

Sh. Upadhyay submits that he will file the signed consent form on or before the adjourned date.

Adjourned for records on 19.09.2025 and for arguments on 24.09.2025 at 02:00PM.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

08.09.2025

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

R1 in person with Sh. Anil Kumar, Adv.

Quorum is not complete.

Sh. Aggarwal at the threshold submits that there is a delay of 42 days in filing the appeal. the same happened because the members of the Managing Committee were not available and therefore, Ld. Counsel could not be authorised as a meeting had not taken place. Sh. Anil Kumar has strongly opposed the application for condonation of delay. It is submitted that there is no justifiable reason. Moreover, the explanation now tendered is, factually incorrect.

Without going into the further averments, this Tribunal is of the opinion that the appellant has a right to get the matter disposed off and adjudicated upon on merits. Delay of 42 days is not a huge delay for which the respondent would be prejudiced.

The delay is therefore, condoned.

Ld. Counsels have already given their consent for arguments to be heard by the Chairman sitting single, dehors the quorum.

Arguments have been heard.

It is pointed by Sh. Aggarwal that he has filed written submissions. However, the same have not been traced by the office. Sh. Aggarwal may file copy of the written submissions again within one week from today. Sh. Anil Kumar seeks short accommodation to address further arguments.

Let the needful be done positively on the adjourned date.

Adjourned for remaining arguments, if any, to 10.09.2025

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)