

IN THE COURT OF THE SPECIAL REGISTRAR COOPERATIVE SOCIETIES
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001

No. 119/GH/DR/ARB/19-20/1406-1409

Dated: 23/09/2022

IN THE MATTER OF:

Ms Preety Kohli GPA of
Mr Khaliq Anjum

.....Petitioner

Versus

Ghalib memorial CGHS Ltd.,

.....Respondent

ORDER UNDER SECTION 115 OF DCS ACT 2003

The present Order shall dispose off Review Petition filed by the petitioner for review of the order dated 25.03.2022 passed under section 70 of DCS Act 2003 in Arbitration Case No.: 119/GH/DR/ARB/2019-2020 admitting the claim petition for adjudication.

The grounds on which the review has filed are summarized as below:-

- i. There is no whisper in the order dated 25.03.2022 qua most of preliminary objections of applicant who raised 14 such objections with supporting documents in its reply to claim petition
- ii. There is no finding on legal objections of limitation and non-joinder of DCHFC as necessary party from whom loan was taken by ceased member.
- iii. Admission of present claim petition for the arbitration is on the same issues which pursuant to order for conducting special audit of applicant Society vide order dated 17.02.20220 passed by worthy RCS is to be done.
- iv. Admittedly order for conducting special audit of applicant Society by worthy RCS and consequent appointment of new auditor are prior to order dated 25.03.2022 passed in the present case for reference to the arbitrator.
- v. That the further proceeding as ordered vide order dated 25.03.2022 in the present case is for individual case of claimant which is also covered by order of special audit for all flats of Society as evident and binding on all society members whether present or past and every such person in their



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representative capacity as well will take precedence by special audit be carried out by the auditor.

It has been stated in the review petition that the present application discloses sufficient reasons for review of the order dated 25.03.2022. It shall be in the interest of justice that the present application may be allowed disposing the claim petition by review of the order dated 25.03.2022 passed in present matter withdrawing order on the reference of dispute between the parties further by way of arbitration proceeding as any further proceeding as ordered would also be direct interference in the proceeding of special audit of the applicant society as ordered by worthy RCS vide order dated 17.02.2020 for conducting its special audit. That the present application has been filed within the period of 30 days of the limitation as provided in section 115 of the DCS Act, 2003.

It is apt to reiterate the scope of review under Section 115 of DCS Act 2003.

115. (1) The Government or the Tribunal or the Registrar on the application of any party may review their own order in any case, and pass in reference thereto such order as they think just :

Provided that no such application made by the party shall be entertained unless the Government or the Tribunal or the Registrar, as the case may be, is satisfied that there has been the discovery of new important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when order was made or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reasons :

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and being heard in support of such order.

(2) An application for review under sub-section (1) by any party shall be made within thirty days from the date of communication of the order of the Government or the Tribunal or the Registrar.

It is a settled law that the scope of review is very limited. The review cannot be filed as a substitute for appeal. Review does not include examination of the correctness of the



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findings of both facts and law. The review is not concerned with the merits of the case. Review is maintainable only on grounds of grave errors of law apparent on the face of the record and not on the ground of error of fact, however grave it may appear. Even as per the provisions of Section 115 of DCS Act 2003, review can be done only on limited grounds.

None of the grounds on which the review is sought falls under the scope and ambit of review. The review deserves to be rejected and is hereby dismissed.

It is ordered accordingly.




05/9/2022
(Dr. T. Philip Thangliemang)
Special Registrar Cooperative Societies

Copy to:-

1. Ms Preety Kohli, GPA of Sh Khaliq Anjum, R/o 268 Ghalib Memorial CGHS Ltd., Parwana Road, Pitampura, Delhi-110034
2. The Ghalib Memorial CGHS Ltd., 259, Road No.: 42, Parwana Road, Pitampura, Delhi-110034
3. AR(Arbitration)
4. In-charge (Computer Cell) for uploading on website


05/9/2022
(Dr. T. Philip Thangliemang)
Special Registrar Cooperative Societies

