

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

Case No. FC/RMD/2018/842/Ind./ 4182 - 54

Dated: 27/3/23

Order

In the matter of:-

The New Vijay Handloom Coop.
Indl. Productions Society Ltd.

.....Petitioner

This order shall dispose petition dated 14.03.2017 filed by Sh. R.K. Bharani, Advocate of the petitioner wherein the petitioner requested for the review of the order of the RCS dated 20.11.2012.

Whereas, a petition has been filed by Sh. R.K. Bharani, Advocate for the petitioner wherein he has submitted as under:

1. That a revision petition no. 291 of 2016 was filed before the Financial Commissioner and same has been disposed off by asking the above mentioned society to present the matter before you hence this submission.
2. That the office of the RCS had issued an order No. FAR/NE/842(1)/Coop/815 dated 20.11.12 u/s 96(3) of the DCS Act, 2003 for winding up of the New Vijay Handloom Coop. Industrial (Production) Society Ltd. on account of no correspondence from the society since long and failed to give intimation regarding AGBM, Audit, Return u/s 32 and election as required under the provision of the DCS Act & Rules for performance of the Statutory obligation.
3. That the said order was sent to President/Secretary Mahalaxmi H/L Coop Ind(P) Society Ltd, C-205, Gali No. 6, Chauhan Banger, Delhi 110 053 and not to the above named society at its address registered with your office.
4. That the above said society accidently got to know the existence of such order while pursuing the approval for audit from your office.
5. That on coming to know of such order, a Civil Writ Petition no. 8572 of 2016 was filed before the Hon'ble High Court, Delhi.
6. That the said Writ Petition was disposed off by the Hon'ble High Court directing the society to approach before the Court of Financial Commissioner by way of Revision Petition.
7. That consequent to said order a revision petition No. 291 of 2016 was filed before the Court of Financial Commissioner, Delhi.
8. That non sending notices/orders at registered address of the above mentioned client and sending elsewhere to another society has completely vitiated the proceedings taken up by your department.





9. That no proper procedure were adopted including opportunity of being heard was ever given to the above mentioned society thus the proceedings initiated by your department has become infructuous and carry no force of law.
10. That the audit of the above mentioned society could not have carried out without the approval from your office and no approval was given for a very long period.
11. That for the first time your office gave the permission to carry out audit on 03.02.2016 vide reference no. FAR(Audit)/2015/1794 for a period of 2007-08 to 2009-2010.
12. That thereafter your office further gave the permission to carry out audit on 15.03.2016 vide reference no. FAR (Audit)/2015/1873 for a period of 2010- 11 to 2012-13.
13. That thereafter your office further gave the permission to carry out audit on 17.07.2016 vide reference no. FAR (Audit)/2016/1013 for a period of 2013-14 to 2015-2016.
14. That your office has also carried out the inspection to the said society and found that the said society is smoothly running and not the defunct.
15. That all the returns and requisite documents as required by law have already been submitted to your office and also the audit reports consequent to your approval have been submitted. Thus all the legal obligations have been complied.
16. Thus, you would find that the said society is a running concern and function smoothly and as such the order no. F.AR/NE/842 (1)/Coop/815 dated 20.11.2012 issued u/s 96(3) and also the order issued u/s 96(1) and (2) under the DCS Act, 2003 all sent at some other address named to some other society be recalled back and quashed.

On proceeding dated 25.03.2021 before the predecessor of this court it was noted as under:

Present Sh. R K Bharani Advocate for the New Vijay Handloom Cooperative Indl.(P) Society Ltd., the petitioner on whose Revision Petition No. 291/2016, the earlier orders of the Registrar passed on 20.11.2012, winding up the society were not upheld and the proceedings were remanded back to the Registrar with directions by Financial Commissioner to adjudicate the matter afresh after affording opportunity of being heard and pass a detailed speaking order.

Sh. R.K Bharani Advocate has filed a brief note informing that the notice u/s 96(1), 96(2) of DCS Act, 2003 and order u/s 96(3) of DCS Act. 2003 issued by the RCS have no legal force and these are having null and void effect as these



were sent to another society by the name Mahalaxmi H/L. Coop. Ind (P) Society Ltd. with address C-205, Gali No. 6, Chauhan Banger, Delhi-110053 whereas, the petitioner society is registered vide registration No. 842(1) under the name of New Vijay Handloom Cooperative Indl.(P) Society Ltd., with address 359/2, Jharkhandi Road. Bhola Nath Nagar, Shahdara, Delhi-110032. He further submits that the society which he represents is functional and after an inspection the society was permitted to carry out the audit for the period 2007-08 to 2015-16 and earlier also an inspection was carried out and it was found that the society is smoothly running and not defunct. It is further submitted that all the documents have already been submitted to this office and all legal of the society under DCS Act, 2003 stand complied with. Ld. Advocate may file relevant document in support of functional status by the next date of hearing. Meanwhile, Asst. Registrar of the concerned section is also directed to get an inspection carried out under relevant provisions of the DCS Act, 2003 to ascertain functional status of the society and submit a report within next 15 days.

It is noted that after the above mentioned hearing no one is appearing on behalf of the society nor any reply or any representation has been received from the society. In view of the above, I am of the opinion that a detailed report regarding the functional status of the society may be obtained. Accordingly, DRCS T/C is directed to carry out the inspection of the said society and submit a detailed report regarding the functioning of the society alongwith his comments on the matter. Thereafter, concerned branch may put up the matter for any administrative action on the basis of the report and comments of DRCS (T/C). Accordingly, further proceeding in the court of undersigned is not required in this matter.



Krishan Kumar
24/3/2023
Krishan Kumar

Registrar Coop. Societies

Sent To:-

1. The New Vijay Handloom Cooperative Industrial (Production) Society Ltd., 359/2 Jharkhandi Road, Bhola Nath Nagar, Shahdara, Delhi-110032.
2. DRCS T/C O/o the RCS.
- ✓ 3. Incharge Computer Cell with direction to upload the Order on Website of the Department