

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

No.F.47/GH/DR/ARB/21-22/REVIEW/4957-4963

Dated: 30/5/2023

Order

In the matter of:-

Media CGHS Ltd.
Plot No. 18A, Sector-7, Dwarka, New Delhi.....

Petitioner

VS

Dr. Ramachandran & Ors.....

Respondents

This order shall dispose of the proceedings initiated on petition dated 19.01.2023 filed by Secretary of Media CGHS Ltd. under section 115 of DCS Act, 2003 for review of the order of the DRCS dated 29.12.2022 passed under section 70 of DCS Act, 2003.

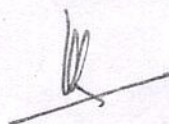
(The petitioner society has submitted that Mr. Rakesh Das, Deputy Registrar relinquished his charge vide order no. 455, dated 04.11.2022, and no decision was taken on the above case. The order was signed by Mr. Rakesh Das almost after 55 days of relinquishing his charge as Deputy Registrar. The petitioner seeks the review of the order of the DRCS on the basis of the below mentioned points:

1. That none of the respondents was informed about the hearing dated 11.10.2022.
2. If respondents were absent in one hearing, no court delivers ex-party decisions. It is against the principal of natural justice.
3. Reliable method of intimation regarding hearing date was not adopted.

A reply dated 17.03.2023 has been received from Sh. Sanjay Jha, Sh. Pramod Kumar and Dr. Ramachandran, wherein the respondent herein have submitted that on hearing dated 02.03.2023, RCS have made some oral observations regarding the legality of the order dated 29.12.2022. RCS remarks were to the effect that the said order was illegal and strangely, this decision of RCS seems to have been best known to the current Managing Committee, whose members are respondent to our claim petition. On 07.03.2023 the current Managing Committee has circulated the minutes of GBM held on 26.02.2023 including the following statement of the current Secretary, Mr. Manoj Mehta.

“Detailing the status of the case, the Secretary informed that the RCS has quashed the orders of the DRCS and initiate fresh proceedings under Section 115.”

How did the current MC become aware that the order was going to be quashed even before the hearing dated 02.03.2023.





Whereas, on proceedings dated 20.04.2023 before the undersigned both the parties appeared and matter under review of Order dated 29.12.2022 discussed at length. Sh. Sandeep Kumar, Advocate for the respondents has argued his case and filed various judgements of Hon'ble Courts in support of his claim.

Sh. S.S. Dalal Advocate for the society has emphasized on the fact that the Order on review be discussed in accordance to their review application dated 19.01.2023.

In view of the arguments made by both the parties and after perusal of the file it is noted that the present application dated 19.01.2023 has been filed under section 115 of DCS Act, 2003 for review of order dated 29.12.2022, passed by the Ld. DRCS. Wherein, it has been alleged that the order dated 29.12.2022 has been passed in gross violation of principal of natural justice and the order could not have been passed. Further, the appellant has alleged the irregularities in issuing the order dated 29.12.2022 which is stated to be dispatched on 05.01.2023.


This office holds an esteemed position being a public office for holding quasi judicial proceeding and the lapses pointed out by the respondent though Administrative in nature will neither change the facts which have been disputed by respondent in their petition u/s 70 of DCS Act, 2003.

The respondents on the other hand submitted that, there is no dispute in merits of the impugned order dated 29.12.2022 whose validation has been sought by the appellant by filing review application.

Primarily on the Administrative lapsed which appears to be sufficient cause for review of the order dated 29.12.2022. It shall be in the interest of justice that one opportunity may be granted to the appellant/respondent to address their arguments without prejudice to their right and contentions in the present application.

The parties are directed to appear before the DRCS on 09.06.2023 who shall hear their submissions oral as well as written and shall pass a speaking order without being influenced from any observation made in present order. The applications stands disposed off.



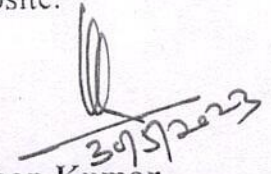

30/05/2023
Krishan Kumar
Registrar Coop. Societies

To:

1. Dr. R. Ramachandran R/o B-805, The Media CGHS Ltd. Plot No. 18 A, Sector-7 Dwarka, New Delhi-110075

2. Sh. Sanjay Jha, R/o A-603, The Media CGHS Ltd. Plot No. 18 A, Sector-7 Dwarka, New Delhi-110075.
3. Sh. Pramod Kumar, R/o B-201, The Media CGHS Ltd. Plot No. 18 A, Sector-7 Dwarka, New Delhi-110075
4. President/Secretary, The Media CGHS Ltd. Plot No. 18 A, Sector-7 Dwarka, New Delhi-110075
5. Deputy Registrar Cooperative Societies O/o RCS
6. ARCS (Housing Section-4)
7. Incharge Computer Cell with direction to upload on Department website.




30/5/2023
Krishan Kumar
Registrar Coop. Societies