

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

No.F.47/714/GH/Sec-7/Coop/2021/5157-5153

Dated: 7/6/23.

**ORDER**

In the matter of:-

Skylark CGHS Ltd.  
(Through President/Secretary)

...Respondent

This order shall dispose of the proceedings initiated vide SCN dated 17.03.2023 issued u/s 37(1) of DCS Act, 2003 against the Managing Committee of the society.

**Brief History of the case:**

- (i) Whereas, Skylark CGHS Ltd is registered with this office vide registration no. 714/GH under the provision of DCS Act/Rules at Plot No. 35, Sector-6, Dwarka, New Delhi-110075.
- (ii) The Ld. Arbitrator, vide his Award dated 25.09.2014 in respect of petition filed by Sh. Kanwarjeet Singh against the society, Skylark CGHS Ltd Plot No.35, Sector-6, Dwarka, New Delhi-110075 has directed that:  
  
*"The claimant is entitled for the allotment of a Category-A flat in the society. Accordingly, I direct the society to take necessary steps as per the law for the allotment of a Category "A" flat in the defendant society (the Skylark CGHS Ltd) in favour of the claimant, Sh. Kanwarjeet Singh."*
- (iii) The society filed Appeal number 169/2014/DCT/ before Delhi Cooperative Tribunal to challenge the Award dated 25.09.2014. However, the said appeal was dismissed vide order dated 15.05.2017.
- (iv) Thereafter, the society sought to restore its Appeal No.169/2014/DCT before Ld. Tribunal, however, the said Application for restoration was dismissed by Ld. Tribunal vide order dated 06.12.2018
- (v) The society filed WP(C) No. 14078/2018 before the Hon'ble High Court challenging the Award dated 25.09.2014 as well as the order dated 15.05.2017 and 06.12.2018 passed by Ld Tribunal in Appeal No. 169/2014/DCT, however, the said WP(C) No.14078/2018 was dismissed by Hon'ble Court vide order dated 28.12.2018.
- (vi) As per the available records, the society did not challenge the Award further, as such, the Award dated 25.09.2014 attained finality and became binding.

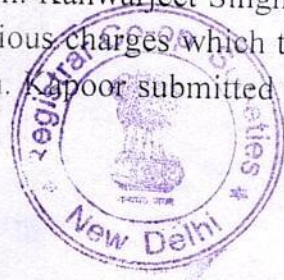
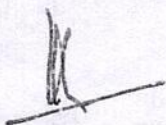




- (vii) Despite above proceeding, the society did not act towards compliance of Award dated 25.09.2014 and the decree holder was constrained to file an Application under Section 105 of the Act before the Assistant Collector, Grade-1, office of Registrar Cooperative Societies.
- (viii) Then Assistant Collector, Grade-1 has passed order dated 30.07.2019 for execution of Award dated 25.09.2014 and directed the society to comply with the Award dated 25.09.2014 within 4 weeks by taking steps for allotting Category- A flat to decree holder and report compliance to this office.
- (ix) This office vide letter dated 29.10.2021 has directed the society to submit an action taken report in this matter regarding compliance of order dated 30.07.2019 read with Arbitration Award 25.09.2014 passed by Sh. Malkhan Singh (Arbitrator). The society was further directed to submit the complete details of payment/ledger/records in respect of Sh. Kanwarjeet Singh (M.S No.624) as well as Smt. Anita Gupta (M.S No.623) within 07 days positively. Whereas, in response to this office letter dated 29.10.2021, the society vide letter dated 08.11.2021 informed that the reply could not be prepared due to non availability of M.C members and support staff due to Diwali festival followed by weekend and Bhaidooj. The society further requested to grant extension of one week time for submitting the response.
- (x) Further, this office vide letter dated 18.11.2021 once again directed the society to submit the complete information/records as sought vide letter dated 29.10.2021 within 07 days positively failing which action as per DCS Act, 2003 & DCS Rules, 2007 shall be initiated against the Managing Committee of the society.
- (xi) This office vide letter dated 01.06.222 and 24.08.2022 directed the society to submit the complete information/records as per Schedule-VII of DCS Rule-2003 in compliance of Hon'ble High Court of Delhi order dated 24.03.2022 in WP (C) 11325/2021 titled as Kanwarjeet Singh VS RCS filed by Sh. Kanwarjeet Singh.
- (xii) Whereas, Managing Committee of the society failed to execute the Award dated 29.09.2014 & order of Hon'ble High Court of Delhi dated 24.03.2022, Accordingly, SCN u/s 37(1) was issued against the Managing Committee of the society.

On proceedings dated 06.06.2023 before the undersigned it was noted as under:

Present Sh. K.K. Kapoor, Secretary of the society and submitted that society has no objections with regard to the membership of Sh. Kanwarjeet Singh. However, certain dues are pending against him in respect of various charges which the society charged from every member of the society. Further, Sh. Kapoor submitted that in view of the



award dated 25.09.2014, wherein the membership of Sh. Kanwarjeet Singh was confirmed by the Ld. Arbitrator, the society accepted the membership of Sh. Kanwarjeet Singh from 2014 and accordingly raised land and construction money demand. Further, as per the directions of Hon'ble High Court in order dated 24.03.2022, the society submitted the copy of demand raised from Smt. Anita Gupta.

**Findings:**

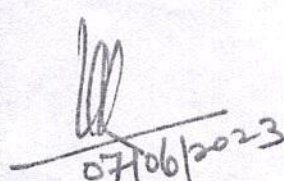
In view of the submissions of the society and after perusal of the orders of the Hon'ble High Court and order of Ld. Arbitrator, it is noted that Sh. Kanwarjeet Singh became member of the society in the year 2004 and till 2006 he deposited a sum of rupees 26lakh with the society towards costs of Category-A flat. As per the award dated 25.09.2014 the membership of the Sh. Kanwarjeet Singh was confirmed and as such the same was not set aside by any court. Hence, the same attains finality. With regard to the various demand of the society to be taken from Sh. Kanwarjeet Singh, it is stated that same be decided as per the observations of the Hon'ble High Court in para 6 of the order dated 24.03.2022.

**Conclusion:**

Since the Managing Committee of the society failed to comply with the order of the Hon'ble High Court dated 24.03.2022 as well as various directions issued by this office time and again for allotment of category-A flat to Sh. Kanwarjeet Singh in the society, made it liable to be superseded. However, in the interest of justice one final opportunity is granted to the society to comply with the order of the Hon'ble High Court and initiate the process for allotment of category-A flat to Sh. Kanwarjeet Singh within a period of 14 days from the date of this order and submit a compliance report to this office failing which an Administrator will be appointed by superseding the Managing Committee of society.

Ordered accordingly.



  
07/06/2023  
Krishan Kumar  
Registrar Cooperative Societies

To:

1. The President/ Secretary, Skylark CGHS Ltd., Plot No. 35, Sector-6, Dwarka, New Delhi-110075.
2. ARCS(Section-7), O/o RCS for coordination with the society for compliance of this order.
3. Incharge computer cell for uploading the same of the website of the Department.