

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE REGISTRAR CO-OPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET
NEW DELHI - 110001

F.47/465/GH/SEC-7/2020/1073 - 1078

Dated:- 9/5/24

In the matter of:-

SH. RAKESH MITTAL

.....Complainant

Versus

SUVIDHA CGHS LTD.

.....Respondent

(Through President/Secretary)

This order shall dispose of the application filed by the Delhi Cooperative Housing Finance Corporation Ltd. u/s 115 of DCS Act, 2003 read with rule 157 of DCS Rules, 2007.

The applicant, Delhi Cooperative Housing Finance Corporation Ltd. (DCHFC) has filed the instant application for review of order dated 14.09.2023 passed by the then Registrar of Cooperative Societies under Rule 137 of DCS Rules, 2007 in the matter of Sh. Rakesh Mittal Vs. Suvidha CGHS Ltd. whereby the then RCS had ordered as under:-

"In view of the observations made above, it is hereby ordered to set aside the auction/certificate of sale dated 22.12.2012, in respect of the Flat No. A-29 and Flat No. B-22, in the Suvidha CGHS Ltd. done by the Assistant Collector in execution proceedings initiated by DCHFC against the Suvidha CGHS Ltd. Further, the Respondents are directed to refund the amount which they have received from the Petitioner, alongwith the interest @8% per annum (compound annually) from date of payment till its actual realization. The petitioner is directed to vacate the flat on receipt of payment."

It is relevant to read the provisions of DCS Rules, 2007, which govern the review application under DCS Act & Rules. In this regard, Rule 157 (1) of DCS Rule, 2007 states as under:-

Every application under sub-section (1) of section 115 shall be in the form a memorandum setting forth concisely and under distinct heads the new and important facts which, after the exercise of due diligence, were not within the knowledge of the applicant or could not be produced by him when the order against whom review is preferred, was made or mistakes or errors apparent on the face of the record of other reasons for review. A memorandum of evidence shall accompany it.

The perusal of grounds stated in the application filed by the DCHFC reveals that the applicant is aggrieved by the order dated 14.09.2023,



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however, the applicant failed to point out discovery of any new and 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.

In this regard, Hon'ble Supreme Court while deciding civil appeal No. 4584/2009 titled Inderchand Jain Vs. Motilal, while deciding the issue of jurisdiction of a court and/or the extent thereof to review its own decision has observed as under:-

"It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A re-hearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

Review is not appeal in disguise."

In the instant case the applicant, DCHFC has failed to point out any new fact, which was not in the knowledge of the then Registrar of Cooperative Societies when the said order dated 14.09.2023 was passed by him. Instead the applicant has virtually appealed against the said order in garb of review application.

In view of above mentioned facts and circumstances, I am of the considered opinion that the review application filed by the DCHFC for review of order dated 14.09.2023 passed by the then Registrar of Cooperative Societies in the matter of Sh. Rakesh Mittal Vs. Suvidha CGHS Ltd. is not maintainable u/s 115 of DCS Act, 2003 read with Rule 157 of DCS Rules, 2007. Accordingly, the review application filed by DCHFC is hereby dismissed.

Ordered accordingly.



(A.K. Singh)
(A.K. Singh)

Registrar of Cooperative Societies

1. The President/Secretary, Suvidha CGHS Ltd., Plot No. 25, Sector-13, Rohini, Delhi- 110085
2. Delhi Cooperative Housing Finance Corporation Limited, 3/6, Siri Fort Institutional Area, August Kranti Marg, New Delhi- 110049
3. Sh. Rakesh Mittal, R/o A-53, Prashant Vihar, Delhi- 110085
4. ARCS (Housing Section-7), O/o RCS
5. In-charge Computer Cell
6. Guard File.