

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

F.NO.47/GH-1112/AR/SEC-1/GH/RCS/2022-24/676-79

Dated: 9/8/24

IN THE MATTER OF:

Sh Lava Kishore Malhotra
& Sangeeta Malhotra

Applicants

Versus

Bhagwati CGHS Ltd
(Through its President)

Respondent

ORDER

This order shall dispose of the review application filed by Sh Lava Kishore Malhotra and Sangeeta Malhotra u/s 115 (1) of DCS Act 2003 to review the order dated 03.05.2024 passed by the RCS thereby directing that the membership of Sh Lava Kishore Malhotra and Smt Sangeeta Malhotra have been ceased in Bhagwati CGHS Ltd.

The applicants, Sh Lava Kishore Malhotra and Sangeeta Malhotra have filed the instant application for review of order dated 03.05.2024 passed by the Registrar of Cooperative Societies under Rule 20(1)(c)(i) & (iii) of DCS Rules 2007 read with section 41 of DCS Act 2003 in the matter of Bhagwati CGHS Ltd Vs Sh Lava Kishore Malhotra and Smt Sangeeta Malhotra whereby the RCS had ordered as under:-

I am of the considered opinion that the respondents Mr Lava Kishore Malhotra & Sangeeta Malhotra is disqualified to be a member of the Bhagwati Cooperative Group Housing Society under rule 20(1)(c)(i) and (iii) of the DCS Rules, 2007. Accordingly, the membership of Mr Lava Kishore Malhotra & Sangeeta Malhotra in the Bhagwati CGHS Ltd is hereby ceased under Rule 20(1)(c)(i) & (iii) r/w section 41 of DCS Act 2003.

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 Rules 2007 states as under :

Every application under sub-section (1) of section 115 shall be in the form of 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.



[Handwritten signature]

The perusal of grounds stated in the application filed by Sh Lava Kishore Malhotra and Sangeeta Malhotra reveals that the applicants are aggrieved by the order dated 03.05.2024 however, the applicants 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 them 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 4548/2009 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 applicants, Sh Lava Kishore Malhotra and Sangeeta Malhotra have failed to point out any new fact, which was not in the knowledge of the Registrar of Cooperative Societies when the said order dated 03.05.2024 was passed by him. Instead the applicants have 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 Sh Lava Kishore Malhotra and Sangeeta Malhotra for review of order dated 03.05.2024 passed by the undersigned in the matter Bhagwati CGHS Ltd Vs Sh Lava Kishore Malhotra & Sangeeta Malhotra is not maintainable u/s 115 of DCS Act, 2003 read with Rule 157 of DCS Rules, 2007. Accordingly, the review application filed by Sh Lava Kishore Malhotra and Sangeeta Malhotra is hereby dismissed.

Ordered accordingly.



(Anil Kumar Singh)
Registrar Cooperative Societies

To

- 1 President/Secretary, Bhagwati Co-operative House Building Society, Plot No 1A, Sector 22, Dwarka, New Delhi-110075
- 2 Sh Lava Kishore Malhotra and Sangeeta Malhotra r/o 265, RPS DDA Flats, Sheikh Sarai, Phase-I, New Delhi 110017
- 3 Asstt. Registrar (G/H Section-I), O/o RCS, Parliament Street, Old Court Building, Delhi - 110001.
- 4 Asstt. Registrar (Computer Cell) with the request to upload the order on the departmental website.