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/2022-24/1680-83 Dated: 9/8/24

IN THE MATTER OF:
Smt Priyanka Kumari

Applicant

Versus

Bhagwati CGHS Ltd
(Through its President)

Respondent

ORDER

This order shall dispose of the review application filed by Smt Priyanka Kumari 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 Smt Priyanka Kumari has been ceased in Bhagwati CGHS Ltd.

The applicant, Smt Priyanka Kumari has 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 Smt Priyanka Kumari whereby the then RCS had ordered as under

> *I am of the considered opinion that the respondent Mrs Priyanka Kumari 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 Mrs Priyanka Kumari 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.*

The perusal of grounds stated in the application filed by the Smt Priyanka Kumari reveals that the applicant is aggrieved by the order dated 03.05.2024 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 her 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.

Registrar Co-op Societies New Delhi

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.*
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> *Review is not appeal in disguise."*

In the instant case the applicant, Smt Priyanka Kumari has 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 applicant has 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 Smt Priyanka Kumari for review of order dated 03.05.2024 passed by the undersigned in the matter Bhagwati CGHS Ltd Vs Smt Priyanka Kumari is not maintainable u/s 115 of DCS Act, 2003 read with Rule 157 of DCS Rules, 2007. Accordingly, the review application filed by Smt Priyanka Kumari is hereby dismissed.

Ordered accordingly.

Registrar Co-op Societies New Delhi

(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 Smt Priyanka Kumari w/o Sh Gaurav Kumar r/o 102/C, Vikas nagar Extension Phase-2, Block B, New Delhi -110059
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.