$~32.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 12737/2021

BHIROCHI COOPERATIVE
HOUSE BUILDING SOCIETY LTD. ..... Petitioner

Through: Mr. Rajiv Garg with Mr. M Qayam Ud Din, Advocates

Versus

REGISTRAR OF COOPERATIVE
SOCIETIES & ORS. ..... Respondents

Through: Mr. Rishikesh Kumar, Additional Standing Counsel with Mr. Prem Sagar Pal, Advocate.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 12.11.2021

Proceedings have been conducted through video conferencing.

C.M.No.40115/2021 *(exemptions)*

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) No.12737/2021 & C.M.No.40114/2021*(stay)*

Issue notice.

Mr. Rishikesh Kumar, learned Additional Standing Counsel accepts notice on behalf of Respondents No.1 and 2 and seeks time to file counter affidavit.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 24/10/2026 at 13:39:20

Time as prayed for is granted.

Let counter affidavit be filed, before the next date of hearing.

List on 11.01.2022.

Present writ petition has been filed assailing the impugned notice dated 22.09.2021 bearing F.No.47 /654/ GH/ Appeal u/s. 91 / Volume-1 /75-76, issued by Respondent No.2 as well as the action of Respondent No.2 fixing a date of hearing in an appeal filed by Respondent No.3. Learned counsel for the Petitioner contends that the appeal is not maintainable under Section 91 of the Delhi Cooperative Societies Act, 2003 as no appeal lies against refusal to accept an application under Rule 92(6) of DCS Rules, 2007. Without prejudice to the said contention, it is submitted that Respondent No.3 has not filed any application under Rule 92(6) before the Petitioner Society and therefore the Petitioner has had no occasion to examine the application for membership/transfer of membership. Hence, in any case there was no refusal by the Petitioner for grant of membership/transfer of membership and without any rejection order, the appeal is not only pre-mature but also not maintainable being in violation of Rule 92 of the DCS Rules. Any order passed on merit by Respondent No.1 would therefore be without jurisdiction and would also cause irreparable harm to the Petitioner.

Having heard the learned counsel for the Petitioner, we are of the view that Petitioner has made out a *prima facie* case for grant of interim relief and balance of convenience is also in favour of the Petitioner.

Accordingly, we stay the operation, implementation and execution of

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 24/10/2026 at 13:39:20

the impugned notice dated 22.09.2021 bearing F.No.47 /654/ GH/ Appeal u/s. 91 / Volume-1 /75-76, till the next date of hearing.

CHIEF JUSTICE

JYOTI SINGH, J

NOVEMBER 12, 2021
'anb'

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 24/10/2026 at 13:39:20