



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

% **Reserved on : 18th November 2025**
Pronounced on : 04th December 2025
Uploaded on : 04th December 2025

+ **W.P.(C) 17466/2025**

JAGDISH SINGH CHAUHAN

A-402, Sector-10, Plot 33,
Dwarka, New Delhi-110075.

.....Petitioner

Through: Petitioner in-person.

versus

1. **LT. GOVERNOR OF DELHI**

Lt. Governor's Secretariat
Civil Lines, New Delhi-110054.

2. **THE DELHI DEVELOPMENT AUTHORITY THROUGH
ITS VICE CHAIRMAN,**

1st Floor, B Block Vikas Sadan, INA
New Delhi 110023.

3. **ECIL CGHS LTD.,**

Through its Secretary,
Sector 4, Plot 17, Dwarka, Delhi 110078.

.....Respondents

Through: Ms. Urvi Mohan, Adv. for R-1.
Ms. Rima Rao, Adv. for Ms.
Mrinalini Sen, Standing Counsel for
DDA.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL



JUDGMENT

ANISH DAYAL, J.

1. This petition essentially assails the impugned order dated 1st September 2025 passed by Delhi Cooperative Tribunal (**'DCT'**) dismissing the appeal directed against award dated 1st September 2022/28th August 2022 passed by the Arbitrator, nominated by Registrar of Cooperative Societies (**'RCS'**), under *Section 70 of Delhi Cooperative Societies Act, 2003* (**'DCS Act'**) claiming an amount of Rs.98,37,854/- from the respondent no.3/Society.

2. For the purposes of reference, prayers sought in the petition are extracted as under:

“a. Issue a writ, order or direction in the nature of mandamus/certiorari and/or any other writ or direction to reject and set aside the impugned order/judgment dated 01.09.2025 passed by the Chairman of the Delhi Cooperative Tribunal, Govt. of NCT of Delhi, Ground Floor, B-Wing, Vikas Bhawan-II, Upper Bela Road, Delhi – 110054 in Appeal No.173/2022/DCT arising out of Arb. Case No.95/GH/DR/ARB/2019-2020;

AND/OR

In the alternative to remand the matter back for being considered as per Section 70 and 112(1)(i)(k) of the Delhi Cooperative Societies Act, 2003 (Act) and not under section 34 of the Arbitration and Conciliation Act, 1996 which are also not applicable in the present case of claim under sections 70 and 112(1)(i)(k) of the Delhi Cooperative Societies Act, 2003 (Act);

b. Issue a writ, order or direction in the nature of mandamus/certiorari and/or any other writ or direction



to the respondent No.2 DDA directing the DDA to reply above writ and place on records for kind perusal, consideration and decision of this Hon'ble High Court sanctions granted by the DDA to the society for current constructions, resolutions, orders, notifications, verification reports, suggestions and actions taken for the same by the DDA;

c. Issue a writ, order or direction in the nature of mandamus/certiorari and/or any other writ or direction to the respondent No.3, society, to place on record whole statements of accounts of petitioner, demand served if any upon petitioner for payment after ex parte Award dated 2.8.09, letters received and replied to petitioner, notices of AGMs and GBMs served upon petitioner, resolutions passed for increasing construction costs from Rs.5,75,000 for B category flat and service thereof upon petitioner, etc.;

d. Also consider, decide and issue orders or directions "whether the learned Tribunal is empowered and authorized to disobey its own Act and the Rules; if not, to what effect, result, consequences and action;

e. Also consider, decide and issue orders or directions "whether the learned Tribunal is empowered and authorized to disobey the judgments of the Hon'ble Supreme Court which are binding on all courts as per Article 141 of the Constitution of India; if not, to what effect, result, consequences and action as per law;"

Case of the petitioner

3. Petitioner became member of respondent no.3/Society in 1996 of 'B' category three-bedroom flat, paid the share money and land costs of Rs.1,70,000/-. When respondent no.3/Society demanded Rs.5,75,000/- for construction cost of the flat, petitioner applied for house building advance.



Rs.4,98,000/- was sanctioned and released in instalments to respondent no.3/Society, and on further demand, *Rs.3,00,000/-* was sanctioned and taken as second loan from *LIC Housing Finance Ltd.* and paid to respondent no.3/Society. According to the petitioner, respondent no.3/Society took full payment and got signed requisite documents, however, delayed in handing over possession, but ultimately gave the possession on 08th December 2002.

4. In 2008, petitioner sought to make his flat freehold and requested respondent no.3/Society to issue him details of ground rent deposited with Delhi Development Authority (**‘DDA’**) on his behalf, so that he may deposit the requisite payments with DDA for the purposes of freehold. Petitioner alleges that respondent no.3/Society not only had not deposited the ground rent and the property tax collected from him with DDA and Municipal Corporation of Delhi (**‘MCD’**) respectively, but also other payments had been siphoned.

5. He requested for inspection of accounts but respondent no.3/Society did not allow it, and thereafter he sought information under the *Right to Information Act, 2005* seeking an itemized detail breakup of his accounts. Petitioner alleges that to pressurize and coerce him, respondent no.3/Society illegally cut electricity and water supply of his flat ‘B-63’ and did not restore it, despite directions of the competent authorities.

6. He further alleges that respondent no.3/Society forged and fabricated his accounts and records, filed a claim for *Rs.2,32,267/-* and obtained an *ex-parte* award dated 02nd August 2009, without relevant documents, in the



absence of petitioner for Rs.58,975/- for maintenance and Rs.21,230/- for ground rent, totalling to Rs.80,205/-.

7. Petitioner's complaint was that respondent no.3/Society had not provided him any disclosure of accounts. He further claimed that he gave his flat on lease and deposited three months' maintenance and corpus fund in advance, as desired by respondent no.3/Society but was denied tenancy of the premises.

8. Petitioner claimed that respondent no.3/Society had been aggressively scuttling the request of petitioner and had charged him Rs.3,04,523/- as legal charges and illegally expelled the petitioner, who was the allottee and possessee of Flat No. B-63. Petitioner filed *W.P.(C) No. 6131/2013* and by order dated 03rd October 2013 of the Division Bench, respondent no.3/Society was directed to withdraw the expulsion letter, which was complied with by letter dated 21st October 2013. On 22nd October 2013, the very next day, respondent no.3/Society issued notice under *Section 86 of DCS Act* read with *Rule 99 of Delhi Cooperative Societies Rules, 2007* (hereinafter, '**DCS Rules**') and petitioner was deemed to be expelled without any hearing *vide* letter dated 14th February 2014.

9. Petitioner filed *Appeal No.143/2014* against the deemed expulsion dated 19th August 2014, which was allowed by the Delhi Cooperative Tribunal ('**DCT**') *vide* order dated 07th May 2015 quashing the said deemed expulsion. Respondent no.3/Society approached Registrar of Cooperative Society ('**RCS**') office and Special Registrar rejected the petitioner's



expulsion *vide* order dated 01st April 2016. Therefore, respondent no.3/Society filed ***Appeal No.93/2016*** and DCT further dismissed that appeal *vide* order dated 24th April 2017. Subsequently, respondent no.3/Society (petitioner therein) filed ***W.P.(C) No.9673/2017*** and Division Bench of this Court sent the matter back to Special Registrar *vide* judgment dated 29th October 2018. Respondent no.3/Society demanded more than *Rs.18,00,000/-* and moved ***C.M. 48858/2019*** in ***W.P.(C) 9673/2017*** claiming them as dues. The Division Bench clarified that petitioner (respondent no.2 therein) shall pay a sum of *Rs.80,205/-* with 10% interest to respondent no.3/Society. No Special Leave Petition (SLP) was filed and the order dated 13th November 2019, therefore, became final.

10. In compliance thereto, Joint Registrar of Cooperative Societies also passed an order dated 19th December 2019, whereby compliance of orders of this Court was noted. As a result, this order was subsequently challenged by respondent no.3/Society in ***W.P.(C) 1202/2020***. The same was withdrawn by respondent no.3/Society after taking leave of this Court. ***Appeal No.17/2020*** was filed by respondent no.3/Society before the DCT, which also came to be dismissed. Respondent no.3/Society then, filed *C.M.(Main) vide* diary No.385110/2021 before this Court and subsequently, ***W.P.(C) 5406/2022*** for the same issue as decided earlier. An order was passed by this Court on 31st March 2022 noting that no one had appeared on behalf of the Society and since the counsel for Society was unavailable, the matter was listed on 06th May 2022. The Court after assessing the claims, relegated the parties to Joint Registrar for completion of proceedings.



11. Petitioner alleges that respondent no.3/ Society in its written statement before the Deputy Registrar (Arbitration) admitted that the petitioner was allotted and given possession of Flat B-63 on 08th December 2002 after paying his dues. Respondent no.3/Society however, had not given the list of members for whom ground rent and property tax had been deposited and therefore, withheld information. Respondent no.3/Society had also stated falsely, that they had not disconnected the electricity and water of the flat. Petitioner alleged that documents which were appended with the rejoinder before the Deputy Registrar (Arbitration) are the ones he is relying upon for his claims.

Findings by the Arbitrator

12. Petitioner submitted his claim before the arbitrator on 20th January 2020 in compliance with order dated 13th November 2019 of the Division Bench of this Court in *W.P.(C) 9673/2017*. Claim was made *inter alia* for overcharging of land, construction and grill costs, siphoning/embezzling society funds by respondent no.3/Society. Further claims regarding the Management Committee of respondent no.3/Society having not deposited ground rent and property tax with DDA and MCD, as well as other claims, including defamation by the Secretary of respondent no.3/Society, were made. The vast panoply of claims raised by petitioner were noted by the Arbitrator in the award. Petitioner stated that he was not in default of any payment owed to respondent no.3/Society, therefore, no action as per *Rule 102(4)(5) of DCS Rules* could have been taken.



13. Counsel for respondent no.3/Society submitted that petitioner's dispute did not touch upon the constitution, management, and business of the Society and therefore, only Civil Courts would have jurisdiction in the matter and not the arbitration tribunal. It was further stated that electricity and water of petitioner's flat was disconnected after serving him due notice, since the petitioner had been a defaulter and the claim was only a counterblast to the expulsion proceedings and in effect to delay the matter. Respondent no.3/Society otherwise, denied the various contentions which have been raised by petitioner.

14. It was submitted that respondent no.3/Society had allotted the flat on 08th December 2002 after the petitioner paid his dues. Later, the awarded sum of Rs.80,205/- with an interest of Rs.82,210/-, deposited by petitioner was to be considered as proof that he had been a defaulter with respondent no.3/Society. Counsel for respondent no.3/Society stated that they had not overcharged the petitioner and they had executed agreements with all members at the time of giving possession of flats in the year 2002.

15. After noting the pleadings and documents filed on record, the arbitrator dismissed objections relating to maintainability. It was further noted that petitioner had raised similar issues before the District Consumer Disputes Redressal Forum (hereinafter, '***District Consumer Forum***'); the District Consumer Forum had dismissed the claim *vide* order dated 07th June 2011, as the petitioner had failed to produce any evidence in support of his contentions. The appeal filed by petitioner was also dismissed by Delhi State



Consumer Commission (hereinafter, '*State Commission*') vide order dated 20th February 2018.

16. This claim before the Arbitrator had been presented again, which was not backed by any evidence and had merely relied on oral allegations in submissions. Therefore, the petition was dismissed for lack of proof.

Findings by the DCT

17. At the outset, DCT noted that consent had been given by counsels for parties that matters be heard by the Single Member/Chairman, since the Administrative Member was not available. The essential issues which had been raised by petitioner were transcribed in *paragraph 2.1* and *2.2* of the impugned order. Petitioner had claimed that he had been given liberty by order dated 13th November 2019 passed in *W.P.(C) 9673/2017* and thereafter, filed a claim petition seeking those amounts. He further argued that the Arbitrator had incorrectly recorded his findings that no evidence had been given. All the documentary evidence was on record and the Arbitrator's order was not reasoned or speaking.

18. Counsel for respondent no.3/Society stated that petitioner was misusing his position as a practicing advocate and was unnecessarily harassing respondent no.3/Society and its office bearers. No evidence had been produced, even before the Arbitrator or before the District Consumer Forum. Moreover, the DCT could not indulge in re-appreciation of evidence under *Section 34(2)(a)* of the *Arbitration & Conciliation Act, 1996* ('*A&C*



Act') and reliance was placed upon ***Dyna Technologies Private Limited v. Crompton Greaves Limited*** (2019) 20 SCC 1. To buttress their claim, respondent no.3/Society brought out the long list of previous litigations initiated by petitioner against respondent no.3/Society stating he was habitual litigant and he paid the amount of Rs.80,205/- with interest only on directions of the Court. It was for this reason that the Society expelled him and he had been reinstated by orders of the Court. Litigation had been kept simmering only to avoid imminent expulsion.

19. DCT referred to the decision in ***Dyna Technologies*** (*supra*) on the scope of interference and appeal against arbitral award and noted that the award need not be detailed or discuss each document. Arbitrator had reached the opinion on the basis of documents on record and, therefore, scope of interference was extremely limited. DCT was of the view that Arbitrator had considered the record before ultimately concluding that evidence was insufficient and same cannot be re-appreciated in the present proceedings.

20. It had been noted that “*grievance of the appellant/claimant (petitioner herein) that the costs of land, costs of construction, costs of iron grill, etc. have been overcharged by the Society does not impress the Tribunal. Admittedly, the constructions were carried out in the year 2002. Accounts of the Society have already stood approved and accepted by the Auditor. Now, at this stage, saying that the claimant and consequently other similarly placed persons were overcharged would disturb the entire apple-cart. The other claim as regards alleged defamation is certainly not within the scope*



of the Arbitration.”

21. The appeal before DCT was, therefore, dismissed.

Analysis

22. It does seem from the record that petitioner has been consistent in litigating against respondent no.3/Society on one pretext or the other and has left no stone unturned in this prolonged litigation journey.

23. Be that as it may, it will be important to consider his contentions. In his complaint before the District Consumer Forum, petitioner claimed that he was charged *Rs.1,70,000/-* instead of *Rs.1,54,370/-* by the Managing Committee towards land cost, and *Rs.8,500/-* instead of *Rs.5,000/-* towards iron grills.

24. Petitioner further claimed that the Managing Committee had swindled his hard-earned money and had been charging more towards maintenance, water and electricity charges. He has claimed to have made various requests since 2003, regarding excess charges, and no information has been given to him. Written statement of respondent no.3/Society noted that such allegations were denied, stating that the charges were levelled uniformly on all, including those in the Managing Committee, and no member had complained about it. Essential services have been maintained on no profit no loss basis and all payments made by the members have been properly accounted. Money paid to respondent no.3/Society has gone into the accounts of the Society. Aside from this, jurisdictional issues were raised



against the complaint filed, including non-maintainability.

25. District Consumer Forum noted that the records showed that complainant/petitioner herein had not given any evidence by which he could prove that he had paid excess amount towards maintenance charges, iron grills, etc. Respondent no.3/Society had also denied that they have cut electricity and water connection of the complainant/petitioner. No recovery of any excess had been claimed by complainant/petitioner and in addition to that, no evidence had been filed to show that respondent no.3/Society was responsible.

26. In response, respondent no.3/Society had stated that they have no objection if the electricity and water supply of the complainant/petitioner was regularized. Reportedly, the District Consumer Forum's order was challenged before the State Commission and was also dismissed by order dated 20th February 2018.

27. The Court has taken note of the judgment dated 29th October 2018 passed in *W.P.(C) 9673/2017*, where the Society had challenged DCT's order against an *ex-parte* award passed against petitioner herein, regarding claims made by Society. *Vide* award dated 02nd August 2009, the Arbitrator had awarded a sum of Rs.80,205/- comprising unpaid maintenance charges and ground rent.

28. While dealing with the legal issues relating to the issue of expulsion, the Division Bench noted in paragraph 25 that, "*during the hearing, the*



member i.e. the second respondent had stated that he would be willing to deposit the amounts payable to the ECIL and that he would be contesting ECIL's action in recovering excess amount from him." Accordingly, time was given to him to deposit the said amounts. It is a matter of record that the said amount of Rs.80,2025/-, along with interest has indeed been deposited. It was also noted by the Court in paragraph 17 that, "*owing to the particular nature of the case, the member was aware of the demands made by the petitioner Society right from 2009. He was also apprised of the intention of ECIL to move proceedings against him and the arbitration proceedings concerning the amount due. The member, despite repeated requests by the Arbitrator, refused to attend the arbitration proceedings, which, owing to his absence was conducted ex-parte.*"

29. The said judgment was clarified by order dated 13th November 2019 noting that, a cheque of Rs.80,205/- had been handed over to the counsel for Society in the Court, and, as regards interest, it would be cleared within ten days. Petitioner has clearly exhausted all routes for his claims, which are wide, scattered, expansive and unsubstantiated.

30. The Court has also perused documents which the petitioner seeks to place reliance on for the purposes of his claims, relating to excess payments taken from him by respondent no.3/Society. These documents are simply a dump of various requisitions made by respondent no.3/Society from him and there is no evidence on record that the said payments were in excess. Petitioner seems to be agitating these issues time and again without any



substantiation or proof, and it does seem, as noted in the previous orders, that it has been done to counter balance the grievance which respondent no.3/Society has against him, regarding lack of payment of Society dues, for which he had initially suffered an expulsion (*though it was reversed by this Court*).

31. Considering that the issue of dues which had to be paid at that stage culminated in order dated 13th November 2019 and resultantly, payment was made, therefore, the demands, as of that time, remain closed. It was not the petitioner's case at that time that any demand which had been raised and crystalized by the Arbitrator's award was excessive, particularly, since the issues stood culminated by orders of the Division Bench of this Court.

32. Subsequently, petitioner seems to have raised another set of claims which are, on a bare perusal, an attempt to randomly fling various issues upon respondent no.3/Society right from excessive claims charged by them since 2002 to issues of defamation against the Secretary of Society.

33. The orders passed by Arbitrator, thereafter confirmed by the DCT are clear, though concise, it cannot be faulted, for the reason that this Court does not find any infirmity with the finding that no evidence has been provided. Moreover, claims were also made before the District Consumer Forum, which were also dismissed by both the District Consumer Forum, as well as, by the State Commission in Appeal.

34. In these circumstances, the Court is not going to exercise its



extraordinary jurisdiction for this purpose. In this regard, the opinion of the Supreme Court in *Ajay Singh v. Kacheru & Ors.* 2025:INSC:9 may be noted as under:

“17. It is a well-established principle that the High Court, while exercising its jurisdiction under Article 226 of the Constitution of India, cannot reappreciate the evidence and arrive at a finding of facts unless the authorities below had either exceeded its jurisdiction or acted perversely.

18. On the said settled proposition of law, we must make reference to the judgment of this Court in Chandavarkar Sita Ratna Rao v. Ashalata S. Guram. The relevant portion thereof reads as under:

“16. ... It is well settled that the High Court can set aside or ignore the findings of fact of an appropriate court if there was no evidence to justify such a conclusion and if no reasonable person could possibly have come to the conclusion which the courts below have come or in other words a finding which was perverse in law. This principle is well settled. In D.N. Banerji v. P.R. Mukherjee [(1952) 2 SCC 619] it was laid down by this court that unless there was any grave miscarriage of justice or flagrant violation of law calling for intervention it was not for the High Court under Articles 226 and 227 of the Constitution to interfere. If there is evidence on record on which a finding can be arrived at and if the court has not misdirected itself either on law or on fact, then in exercise of the power under Article 226 or Article 227 of the Constitution, the High Court should refrain from interfering with such findings made by



the appropriate authorities. ...”

(Emphasis Supplied)

.....

20. *Observations similar in nature were made in Krishnanand v. Director of Consolidation, wherein it was held that:*

“12. The High Court has committed an error in reversing the findings of fact arrived at by the authorities below in coming to the conclusion that there was a partition. No doubt, the High Court did so in exercise of its jurisdiction under Article 226 of the Constitution. It is a settled law that such a jurisdiction cannot be exercised for reappreciating the evidence and arrival of findings of facts unless the authority which passed the impugned order does not have jurisdiction to render the finding or has acted in excess of its jurisdiction or the finding is patently perverse. ...”

(Emphasis Supplied)

21. *In our considered view, the High Court has committed an error of law and facts in setting aside the concurrent findings in both the impugned judgment and order. There was no basis for the High Court to ignore the findings of the authorities and come to its own conclusion by appreciating the evidence on record. The same was outside the purview of Article 226 of the Constitution of India in the absence of any perversity or illegality afflicting the findings of the authorities.”*

(emphasis supplied)

35. In any case, it is also noted that as per *Section 70(5)* of the *DCS Act*, which is extracted hereunder for ready reference, provisions of *A&C Act* apply and therefore DCT was not wrong in applying principles of *Section 34*



to reject the appeal:

***“70. Disputes which may be referred for arbitration
(5) Save as otherwise provided under this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to all arbitrations under this Act, as if proceedings for arbitration were referred for settlement or decision under the provisions of the Arbitration and Conciliation Act, 1996.”***

In the context of applicability of *Section 34 of A&C Act*, reluctance of DCT to re-appreciate evidence is, therefore, not incorrect nor untenable.

36. The petition is therefore, dismissed. Pending applications, if any, are rendered infructuous.

37. Judgment be uploaded on the website of this Court.

**ANISH DAYAL
(JUDGE)**

**NITIN WASUDEO SAMBRE
(JUDGE)**

DECEMBER 04, 2025/mk/sp