



2025:DHC:8255-DB



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

Date of Decision: 17.09.2025

+ **W.P.(C) 7853/2024 & CM (APPL.) 54474-54475/2025**

SMT. JANAK KUMARI GANDHI & ORS. Petitioners
Through: Mr. Sanjeev Mahajan, Mr. Rishabh
Varshney & Ms. Simran Rao, Advs.

versus

**REGISTRAR CO-OPERATIVE SOCIETY
& ORS.** Respondents
Through: Mr. Tushar Sannu & Mr. Vishal,
Advs. for GNCTD

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J:

REVIEW PET. 457/2025

1. The present review petition under Section 114 read with Order XLVII of the Code of Civil Procedure, 1908 has been filed by the Applicant/Registrar Co-operative Societies ('RCS') seeking review of the judgment dated 28.05.2024.

2. The captioned writ petition was filed seeking a direction to the RCS to regularise the allotment and self-draw of flats held in the Society known as



Seema CGHS¹ (i.e., Respondent No. 4 herein) on 25.12.2005.

3. The writ petition was first listed before this Court on 28.05.2024 and the Respondent No. 1/RCS was duly represented at the said hearing. The Court after perusing the record was pleased to pass a direction to the Respondent No. 1/RCS to regularise the allotment and complete all formalities within six (6) months. The operative part of the judgment dated 28.05.2024 reads as under: -

“1. Present writ petition has been filed by the Petitioners seeking a direction to the Respondent No. 1 to regularize the self-draw of flats wherein the Petitioners were allotted flats on 25th December, 2005.

...

7. Keeping in view the aforesaid, the present writ petition is disposed of with a direction to the Respondents to process and carry forward the regularization of the allotment of the Petitioners which have already been approved by Respondent No. 1 on 26th February/30th March, 2016 as expeditiously as possible, preferably within six months from today. The rights and contentions of all the parties are left open.”

4. The Respondent No. 1/RCS has however, failed to comply with the directions issued in the aforesaid judgment, which led to the Petitioners filing a contempt petition i.e., CONT. CAS(C) 333/2025 titled **Janak Kumari Gandhi and Others v. Anil Kumar Singh and Others**, which is pending adjudication before a learned Single Judge of this Court.

A perusal of the order dated 22.05.2025 passed in the said contempt proceedings shows that the Respondent No. 1/RCS has declined to comply with the directions issued in the said order dated 28.05.2024 and has filed an affidavit raising dispute on merits. However, the learned Single Judge after

¹ Co-operative Group Housing Society



hearing the parties, declined to entertain the Respondent No. 1/RCS's pleas raised on merits and infact directed the Respondent No. 1/RCS to comply with the order dated 28.05.2024.

5. In this background, the Respondent No. 1/RCS after a delay of 423 day has filed the present petition seeking review of the order dated 28.05.2024, to justify its non-compliance in the contempt proceedings. The Respondent No. 1/RCS itself has relied upon the recent judgment of the Supreme Court in **Malleeswari v. K. Suguna**², wherein the Court has succinctly set out the scope of power of review of the Courts. The scope of power of review is also well settled by the Supreme Court in its judgment in the matter of **Kamlesh Verma v. Mayawati and Others**³.

6. The Respondent No. 1/RCS in the review petition has raised disputes on merits of the claims of the Petitioners and has also filed elaborate written submissions dated 10.09.2025. In order to justify its plea of review on merits, it has relied upon the observation made by this Court in the last line of paragraph no. 7 of the judgment dated 28.05.2024. The relevant line of the said judgment reads as “The rights and contentions of all the parties are left open.”

7. The Respondent No. 1/RCS's pleas on merits though are beyond the scope of review and also barred by limitation, are nevertheless being dealt with so as to bring to an end to the injustice being caused to the Petitioners by the Respondent No. 1/RCS w.e.f. **2005** due to its wilful inactions and omissions.

² 2025 SCC OnLine SC 1927 [At paragraph 15, 15.1 to 15.5]

³ (2013) 8 SCC 320



Facts as pleaded by Respondent No. 1/RCS

8. The facts pertaining to the reasons for the pendency of the plea of Respondent No. 4 Society for regularization of the self-draw of 15 flats including the five flats of the Petitioners and their non-approval, as pleaded by the Respondent No. 1/RCS is as follows: -

8.1. The Seema CGHS/Respondent No. 4 Society had 188 total flats available for allotment. The Respondent No. 4 Society had forwarded names of 173 members names to the Respondent No. 1/RCS for clearance and forwarding the same to the Delhi Development Authority ('DDA') i.e., Respondent No. 3 herein for a draw of lots. By way of the office letter dated 31.03.2004, the Respondent No. 1/RCS forwarded the names of 173 members to DDA for conducting of draw of lots. The said draw of lots for allotment of 173 flats was held on 02.05.2004 and it was subsequently confirmed by DDA vide letter dated 17.11.2004.

8.2. However, in 2004 names of remaining fifteen (15) members were detained by Respondent No. 4 Society since they had not cleared their dues

8.3. Subsequently, there were five (5) resignations in May 2004 and in their place the Respondent No. 4 Society enrolled five (5) new members in July 2004.

The three (3) Petitioners⁴ are amongst the newly enrolled members, whereas Smt. Janak Kumari Gandhi⁵ (MS No. 564) and Sh. B.S. Bisht⁶ (MS No. 333) are original members whose names were detained by the Respondent No. 4 Society due to default in payments/dues payable to the said society.

⁴ Petitioner Nos. 2, 3 and 4

⁵ Petitioner No. 1

⁶ Petitioner No. 5



8.4. The proposal for clearance of draw of lots for the remaining fifteen (15) members were initiated by Respondent No. 1/RCS in Oct 2004, Jan 2005, March 2005, April 2005 and Feb 2006 but due to certain clarifications/deficiencies sought by the department, the proposal was not approved by the then Competent Authority.

8.5. The Respondent No. 4 Society conducted self-draw of allotment of flats for its remaining 15 members on 25.12.2005 in respect of those fifteen (15) members.

8.6. The Respondent No. 4 Society vide letters dated 12.10.2015 and 04.02.2016 requested the Respondent No. 1/RCS to regularize the membership as well as allotment of these five (5) members (i.e., the Petitioners herein) and consequently the proposal was initiated on 25.02.2016 by the then Assistant Registrar-Section VII to the Competent Authority for approval and to regularize the self-draw of the Society in respect of these members, so that the said names may be forwarded to the Respondent No. 3/DDA, after the proposed members paying the penalty of Rs.15,000/- or Rs.20,000/-.

8.7. However, the then Secretary-cum-RCS on 03.03.2016 objected to the said proposal and enquired whether the Respondent No. 4 Society is part of 26 societies that had gone to High Court. The relevant noting reads as “is the society part of 26 societies that had gone to HC”.

8.8. The proposal for regularization was re-submitted on 30.03.2016 by the then AR to the Deputy Registrar stating that the Respondent No. 4 Society is a society ‘other than’ the 26 self-draw societies and each member has to pay a penalty of Rs. 15000/- to Rs. 20000/- as per the category of flat; but the said proposal never reached to any conclusion and there was no



approval at all of the Competent Authority.

8.9. The Petitioner No. 1 vide letter dated 13.12.2017 had submitted that fifteen (15) members including the Petitioner No. 1 are sufferers, who are unable to avail the facility of conversion of their flats to freehold, as their flats have not been regularized by the Respondent No. 1/RCS and the Respondent No. 3/DDA. The said letter was put up again before the Competent Authority for order and directions. However, the then Deputy Registrar remarked that it is a policy matter and a universal policy requires to be followed in similar cases.

8.10. The matter was again re-submitted to the Policy branch to intimate about the latest position on the policy on the societies who have conducted self-draw excluding those 26 societies [which also conducted self-draw] and got one-time exemption from Hon'ble Lieutenant Governor ('LG') vide notification dated 17.10.2011.

8.11. The Assistant Registrar (Policy) intimated that the file related to regularization of the self-draw conducted by the societies themselves [excluding 26 self-draw societies] is under submission before the Chief Secretary. In December, 2017, as per the directions of the Respondent No. 1/RCS the matter was again proposed to be submitted to AR (Policy) seeking policy on regularization of self-draw conducted by the societies themselves, but no decision was taken.

8.12. In the written submissions⁷ dated 10.09.2025 filed by the Respondent No. 1/RCS it is averred that the Petitioner No. 3 as per the Respondent No. 4 Society's record applied for membership on 16.07.2024, while her membership was approved on 11.07.2024 itself. It is averred that this

⁷ At paragraph 15



discrepancy shows that the approval is ante-dated and goes to the root of the matter [pertinently no such plea has been raised in the review petition].

9. In this background, Mr. Tushar Sannu, learned counsel for Respondent No. 1/RCS stated that therefore, the reliance placed by the Petitioners in the captioned writ petition on the office noting(s) dated 26.02.2016 and 30.03.2016 does not create any right in favour of the Petitioners, as these were the proposals of the Assistant Registrar which were not approved by the Competent Authority.

9.1. He states that the Respondent No. 1/RCS has no power to regularise self-draw of allotment dated 25.12.2005 as the same is in violation of Section 77 of the Delhi Co-operative Societies Act, 2003 ('DCS Act, 2003') and Rule 90 of the Delhi Co-operative Societies Rules, 2007 ('DCS Rules, 2007').

9.2. He states that vide notification dated 17.10.2011, the Hon'ble LG had approved the self-draws conducted by twenty-six (26) societies themselves, as a one-time exemption and Seema CGHS/Respondent No. 4 Society is not one of those 26 societies.

9.3. He states therefore the direction of regularization issued in the order dated 28.05.2024 cannot be complied by Respondent No. 1/RCS.

Facts in response by the Petitioners

10. In response, Mr. Sanjeev Mahajan, learned counsel for Petitioners has challenged the maintainability of the review petition on the grounds of limitation as well as the fact that pleas on merits are beyond the scope of review. On merits of the pleas raised by Respondent No. 1/RCS, the Petitioner has responded as under:



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10.1. The Respondent No. 4/Society vide letter dated 03.06.2005 recommended the names of the Petitioners along with ten (10) other members for draw of lots for allotment of the remaining 15 flats.

10.2. Respondent No. 4 Society carried out a self-draw of the flats on 25.12.2005 and the possession of the flats was handed over to the Petitioners in 2006. The Petitioners have been residing in their respective flats since then.

10.3. Respondent No. 1/RCS on 24.11.2011 came out with a policy⁸ after the approval of Government of NCT of Delhi ('GNCTD'), applicable to all self-draw allottees of various societies, which allowed them to apply through the respective society for regularisation; subject to verification of allotment and entitlement.

10.4. The Respondent No. 1/RCS vide letter dated 15.10.2015 sought documents for the fifteen (15) remaining allottees of the Respondent No. 4 Society, to process the regularisation of membership and allotment.

10.5. The Petitioners entitlement was duly verified by the office of the Respondent No. 1/RCS as is evident from the noting(s)⁹ dated 26.02.2016, 29.02.2016 and 30.03.2016.

10.6. The Petitioners were entitled to regularisation of allotment of their respective flats as per the policy dated 24.11.2011 and since their entitlement stood verified in 2016. The Respondent No. 1/RCS was obliged to process the said applications in accordance with law.

10.7. The Petitioners wrote several follow-up letters to Respondent No. 1/RCS between 2016 and 2024; however, the Respondent No. 1/RCS failed

⁸ Filed as Annexure P-7 along with the writ petition.

⁹ Filed as Annexure P-13 along with the writ petition.



to respond to the said communications. It was in these facts, that the Petitioners approached this Court by way of the captioned writ petition.

10.8. The review petition fails to give any reasons or justification for not processing the request for regularization of the Petitioners as per the policy after the verification have been undertaken by the AR on 30.03.2016.

10.9. The Petitioner Nos. 1, 3, 4 and 5 are senior citizens aged about 74 to 90 years except the Petitioner No. 2 who is son of a deceased allottee.

Analysis and Findings

11. This Court has heard the learned counsels for the parties and perused the records.

12. The noting dated 26.02.2016¹⁰ of the Assistant Registrar to Respondent No. 1/RCS records that the Respondent No. 4 Society has submitted all the requisite documents in respect of the five (5) Petitioners and after verification of records all the five (5) members have been found eligible.

The noting also records that all formalities of documentation are complete and genuineness of the allottees has been verified. The noting also refers to the policy dated 24.11.2011 pertaining to regularisation of self-draws by the Society. The copy of the said noting dated 26.02.2016 is reproduced as under: -

¹⁰ Filed as Annexure P-13 along with the writ petition.



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Annexure P 13

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16. The Society has submitted a copy of Allotment letter of flats held on 25.12.2005 as annexure -"J" is placed at P-155/C to 168/C.

17. The documents submitted by the society for clearance of 05 members for regularization of allotment of flats have been examined at Section level and are being submitted herewith for approval of the competent authority is placed as annexure -"K" placed at Page 190/C.

18. The Society has produced all the original records for verification i.e. affidavits, Residence proof, committee resolutions, share certificate and payment details etc.

19. All the verification Certificates placed in the individual files contains declaration of Gazetted Officers and a reported by the society. None has been referred to Police Authorities for verification.

20. To verify the genuineness of the persons enrolled as members, the requisite documents filed by the society and are placed in the individual files have been checked and verified by the AR (Section-7).

S No	M. No.	Name of Members	Date of M.C. Approval	Date of Application	Allotted Flat No
1.	333	Shri B. S. Bishi	18.6.1998	13.6.1998	A-101
2.	564	Smt. Janak Kumari Gandhi	30.3.2003	26.3.2003	A-51
3.	595	Smt. Salnam Kaur Kathuria	11.7.2004	16.7.2004	E-51
4.	596	Smt. Amar Kaur Gambhir	11.7.2004	21.6.2004	A-64
5.	597	Sh. Ashish Mehrotra s/o Shri Madan Mohan Mehrotra	11.7.2004	22.6.2004	C-14

The Society has submitted all the requisite documents in respect of above mentioned 05 members. After verification of records all 05 members are found eligible details of which have been mentioned in Para 20.

Mandatory affidavits have been obtained from all the 04 members whose names are being proposed for clearance from the Society.

As per policy circulated by Policy Branch vide letter No.47/RCS/Policy/155/PF/2011/556 dated 24.11.2011 [Copy placed at page 193/C] (Annexure "P"), the proposal for regularization of draw of lots in respect of these 05 members be placed before the Secretary-cum- Registrar Cooperatives to solicit the approval for depositing of penalty @ Rs. 15000/- or Rs. 20,000/- from the above proposed members and to regularize the self draw of the society in respect of these members.

Submitted please.

AR (Sec-7)

26/02/2016

AR (Sec-7)

26.2.16

WJAY - REGISTRAR

Certified Copy

Provided

AR (Sec-7)

26/02/2016

Scanned with CamScanner

13. The policy dated 24.11.2011 issued by Respondent No. 1/RCS with the consent of GNCTD for regularisation of self-draw of flats (other than the 26 Societies already approved by the LG on 17.10.2011) is relevant and reads as under: -



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OFFICE OF THE REGISTRAR COOPERATIVE
SOCIETIES GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI OLD COURT BUILDING,
PARLIAMENT STREET, NEW DELHI.

No. 47/ITCS/Policy/155/P.F/2011

Date:-

Please find enclosed herewith a copy of Notice
alongwith application format regarding regularization of self
draw of societies (other than 26 societies).

In this regard, all the concerned Asstt. Registrars/
Zonal In-charges are hereby requested to circulate this notice
alongwith application format to all the societies under their
administrative jurisdiction for seeking proposal for
regularization of self draw.

This Issues with the prior approval of registrar,
cooperative Societies.

End As above

(RAJESH KUMAR)
ASSTT. REGISTRAR (POLICY)
Dated:- 24.11.2011

U.O.47/RCS/Policy/155/PF/2011/556

Copy to:-

1. All the Asstt. Registrars (Zone)
2. P.S. to RCS for information please.
3. PA to Spl RCS/Addl. RCS/Joint RCS/DRCS
4. Programmer (Computer Cell) for up loading the notice as
well as application format on the official website of this
office.

True copy

TYPED COPY

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OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI OLD COURT BUILDING, PARLIAMENT STREET,
NEW DELHI.

NOTICE

It is brought to the notice of all the concerned that various
cooperative group housing societies have conducted self draw
of flats on their own in the past. The Government of NCT of
Delhi has taken In-principle decision to regularize these self
draws. This shall, however, be subject to verification of
membership in accordance with DCS Act and Rules framed
there under and payment of penalty as stated below by each
member who have carried out self draw without the approval of
this office.

1. Owners of 02 bedrooms houses - Rs. 15000/-
2. Owners of 03 bedrooms houses - Rs. 20000/-
3. Owners of 04 bedrooms houses - Rs. 25000/-

All such societies may submit their applications in the
prescribed format so as to reach the Asstt. Registrar concerned
latest by 15.01.2012. The format may be downloaded from the
department's website www.rcs.delhigovt.nic.in. It may be
noted that this is one time relaxation and no further
applications shall be entertained.

(REGISTRAR COOPERATIVE SOCIETIES)

True copy

14. The Respondent No. 1/RCS in its review petition, written submissions
and oral arguments has not disputed the policy dated 24.11.2011.



A Division Bench of this Court while dealing with an identical issue pertaining to self-draw by Society in **Sh. Rajeev Saxena and Others v. Registrar of Co-operative Societies and Others**¹¹ by its judgment dated 16.05.2025 took note of the then Hon'ble LG's decision dated 20.09.2011 *qua* approval of self-draw of lots held before 2010 by Societies (other than the 26 Societies). The relevant para of the said judgment reproducing the decision dated 20.09.2011 of the Hon'ble LG reads as under: -

5. On 31st March, 2005, the Housing Society informed the RCS of the self draw of lots and an approval of the same was sought. It is seen that since 2005 continuously, the RCS raised queries after queries, however, the approval was not given. In the meantime, there were various others societies who had also conducted the draw of flats by themselves without the approval of the RCS. Thereafter, on 20th September, 2011 Mr. Tejendra Khanna, the then Hon'ble Lieutenant Governor, Delhi (hereinafter "the LG") had taken a decision qua approval of the said self conducted draw of lots, in the following terms: -

" I have perused the file.

The notification to regularize the draw of lots of 26 societies and proposal for withdrawal of proceedings for supersession u./s 37 of the DCS Act are approved. The permission to invite other societies which might have conducted self-draw before 2010 to give them opportunity for regularization is also given.

I do not favour debarment of office bearers u/s 77(2) of DCS Act since the draws were held with the consent of all members and the outcomes were accepted unanimously. Evidently, no irregularity other than procedural, was involved.

Regarding the imposition of charges in money terms on the members, the recommendation of the Mathur Committee on this issue, as already approved, should be followed.

Khanna
(Tejendra Khanna)
Lt. Governor, Delhi
20.9.2011

(Emphasis Supplied)

¹¹ 2025:DHC:4024-DB



15. The Hon'ble LG's decision dated 20.09.2011 and Respondent No. 1/RCS's policy dated 24.11.2011 shows that RCS was duly empowered to consider regularization of self-draw conducted by the Societies before 2010.

16. The contention of the learned counsel for the Respondent No. 1/RCS that while deciding the captioned writ petition, it was not granted sufficient opportunity, cannot be accepted at this stage; it was always open for the said Respondent/Review Petitioner to seek time at the relevant stage. The conduct of the Respondent No. 1/RCS rather demonstrates that it has submitted to the jurisdiction of the Court and has accepted the order dated 28.04.2025. It is only by way of an afterthought the Respondent No. 1/RCS has come before this Court by generating the grounds in support of its prayer for review, which has no legal basis and same shall be discussed here in before in addition to the aforesaid factual matrix. Perhaps the aforesaid conduct of the Respondent No. 1/RCS at the time of passing of the order under review has prompted this Court to pass the short order, however, it is only upon the present review petition, this Court is required to record the detailed reasons justifying its earlier views so as to deal with the contentions raised in support of prayer for review of the order.

17. In this review petition, there is no challenge to the eligibility of the Petitioner Nos. 1 to 5 as recorded in the noting dated 26.02.2016 except for raising the plea that the self-draw dated 25.12.2005 conducted by Respondent No. 4 Society is in contravention of Section 77 of the DCS Act, 2003 and Rule 90 of the DCS Rules, 2007.

18. In the written submissions dated 10.09.2025 filed on behalf of the Respondent No. 1/RCS, a belated challenge is sought to be raised to the



eligibility of Petitioner No. 3 for the first time. Though, there is no dispute to the eligibility of Petitioner Nos. 1, 2, 4 and 5.

19. There is no dispute that the Petitioners are residing in the flats since 2006 and there is no dispute within the remaining members of the Respondent No. 4 Society with respect to the entitlement of the Petitioners. Pertinently, there are no rival claims by any third-party for the flats allotted to the Petitioners.

20. In the aforementioned facts, the only defence raised by the Respondent No. 1/RCS on merits is that the RCS has no power to regularise the self-draw of flats conducted by the Respondent No. 4 Society itself on 25.12.2005 in favour of the Petitioners in violation of Section 77 DCS Act, 2003 and Rule 90 of the DCS Rules, 2007.

21. In light of the decision of the LG dated 20.09.2011 noted in the judgment of the Division Bench of this Court in Rajeev Saxena (supra) and the policy circular dated 24.11.2011 issued by the Respondent No. 1/RCS; this Court is of the considered opinion that the Respondent No. 1/RCS has requisite jurisdiction to regularise the self-draw of allotment conducted by the Respondent No. 4 Society on 25.12.2005, as it was held prior to 2010.

22. The Respondent No. 1/RCS by its policy circular dated 24.11.2011 itself invited applications from the societies for regularisation subject to payment of penalty stated therein. The concerned Assistant Registrar to the RCS by its noting dated 26.02.2016 verified the genuineness and entitlement of the Petitioners herein and recommended that their allotment is in consonance with the circular dated 24.11.2011.

23. The contention of the Respondent No. 1/RCS that relaxation was



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granted by Hon'ble LG only limited to 26 Societies as enlisted in Notification dated 17.10.2011 and since, Respondent No. 4/Seema CGHS is not one of the enlisted Societies, the Petitioners cannot seek regularisation is incorrect as it fails to take into consideration the Hon'ble LG's decision dated 20.09.2011 and its own policy circular dated 24.11.2011.

24. The Respondent No. 1/RCS has the jurisdiction to regularize self-draw conducted by the Society prior to 2010, if the members are eligible and in the facts of this case, Respondent No. 1 has failed to exercise its jurisdiction.

25. As noted above, the Respondent No. 1/RCS has not disputed the eligibility of Petitioner Nos. 1, 2, 4 and 5.

26. Objection to the eligibility of Petitioner No. 3 has been raised for the first time in written submissions dated 10.09.2025 only. The allotment of Petitioner No. 3 was approved by Respondent No. 4 Society on 11.07.2004 and she has been in uninterrupted possession of the flat since 2006. Petitioner No. 3 is 91 years old. There is no dispute vis-à-vis her entitlement and membership by any other members of the Society. Her documents were duly verified by the Assistant Registrar of Respondent No. 1/RCS and found genuine as recorded in the noting dated 26.02.2016.

27. The documents of Petitioner No. 3 are available in the record of Respondent No. 1/RCS and no document has been annexed with the written submissions to show that she is ineligible. The plea in the written submission merely refers to the fact that the date of approval of membership by the Managing Committee is 11.07.2004, whereas the date of application for membership is 16.07.2004. This difference of five (5) days is nominal



and may have a reasonable explanation; which Respondent No. 1/RCS never sought from the Petitioner No. 3 and in fact, the Assistant Registrar in the noting dated 26.02.2016 after noting these dates recorded that she is a genuine allottee. In these facts, the objection raised to Petitioner No. 3's entitlement, after a period of 21 years fails to persuade the Court and is therefore, rejected.

28. This plea of discrepancy is not raised in the review petition and is therefore not supported by affidavit. It is regrettably noted that such a plea has only been taken in the written statement at this belated stage to create a prejudice, however, the same fails to persuade the Court.

29. Notwithstanding our finding that RCS has requisite jurisdiction to regularise the self-draw dated 25.12.2005, upon a query from this Court, learned counsel for the Respondent No. 1/RCS clarified that Respondent No. 1/RCS never applied to the Hon'ble LG for seeking approval of the self-draw conducted by Respondent No. 4 Society during the period between 2005 to 2024 and even after the judgment dated 28.05.2024 passed by this Court. This omission and inaction of Respondent No. 1/RCS show its complete apathy towards the plight of the Petitioners, who have been diligently following up for regularisation of their allotment. The bogey of lack of approval of Hon'ble LG is therefore, a mere ruse to deny the rights of the Petitioners herein.

30. In identical facts, similar order of regularisation of self-draw held prior to 2010 has been passed by the Division Bench of this Court in Rajeev Saxena (supra) vide judgment dated 16.05.2025. A perusal of the order dated 22.08.2025 subsequently passed in the said writ petition [W.P. (C)



12218/2021] shows that the RCS has already implemented the said order of the Division Bench in favour of the petitioner therein namely, Mr. Anup Banerjee vis-à-vis DJS CGHS Ltd.

31. In the aforesaid legal background viz. authoritative pronouncement by the Division Bench of this Court in the matter of Rajeev Saxena (supra), this Court has thought it fit to endorse its earlier view as ordered in the decision under review.

32. As far as the scope of review is concerned, the Apex Court has occasioned to continue summarize all the principles which are laid down till this date in the recent judgment in the matter of **Malleeswari versus K. Suguna and Another** (supra). Paragraph Nos. 15 to 17.3 of the said judgment reads thus:

“15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.



15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.

16. To wit, though a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.

17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground for discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. Such an error is a patent error and not a mere wrong decision. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.

17.3 Lastly, the phrase ‘for any other sufficient reason’ means a reason that is sufficient on grounds at least analogous to those specified in the other two categories.”

33. Similarly, the Apex Court in the matter of **Kamlesh Verma versus Mayawati and Others** (supra) has considered the scope of review and the maintainability of the proceedings and has laid down the principles in the cases in which review is maintainable. Paragraph Nos. 20, 20.1 and 20.2 of the said judgment reads thus:

“**20.** Thus, in view of the above, the following grounds of review are



maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.

The words “any other sufficient reason” have been interpreted in *Chhajju Ram v. Neki* [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius* [AIR 1954 SC 526: (1955) 1 SCR 520] to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd.* [(2013) 8 SCC 337: JT (2013) 8 SC 275]

20.2. When the review will not be maintainable:

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.
- (ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”

34. As such it was incumbent on the part of the Respondent No. 1/RCS to demonstrate that they have a case for review which is qualifying the



aforesaid principles so also the parameters qua the exercise of the review jurisdiction.

35. If we consider the plea of review canvassed by the Respondent No. 1/RCS particularly as regards the absence of powers of the Registrar and that of the Petitioners being not qualified for the regularization of allotment, we have already recorded substantial reasons in support of the prayer of the Petitioners for their entitlement for such relief.

36. In our opinion, the Respondent No. 1/RCS has failed to demonstrate that they have discovered new and important matter of evidence or there is mistake or error apparent on the face of the record. Rather the Respondent No. 1/RCS having already accepted and acted upon the judgment in the matter of Rajiv Saxena (supra) cannot be said to have any case/review as the said judgment was complied with by the Respondent No. 1/RCS which is based on the similar set of facts.

37. Apart from above, the review petition is grossly barred by limitation as the Respondent No. 1/Review Petitioner is unable to give sufficient and bona fide cause and support to the prayer of condonation of delay.

38. This Court is equally required to be sensitive to the plight of the Petitioner who cannot be made to suffer and get entangled in further round of litigation for the failure of the Respondent No. 1/Review Petitioner in reporting compliance of the order under review. That being so, in case if the Respondent No. 1/Review Petitioner fails to report the compliance of the order of this Court within a period of two (2) months from today including that of the consequential execution of lease by DDA, this Court will not only be constrained to saddle exemplary cost but also shall be at liberty to take



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appropriate proceedings under the Contempt of Courts Act, 1971.

39. In the light of above, since the review petition is not only preferred at much belated stage and same being sans of any legal ground is dismissed with cost.

40. List for compliance on 25.11.2025.

MANMEET PRITAM SINGH ARORA, J

NITIN WASUDEO SAMBRE, J

SEPTEMBER 17, 2025/MG/mt/msh