

GOVT. OF N.C.T. OF DELHI
OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES,
PARLIAMENT STREET, OLD COURT BUILDING, NEW DELHI-01

F. No. 47/Policy/Misc/2015/ 69

Dated:- 17/03/21

CIRCULAR

Whereas as per Sub Section 1 of Section 35 Delhi Cooperative Societies Act, 2003 :-

“The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of elections of the members of the committee of, a co-operative society shall be vested in the committee which shall appoint returning officer who shall not be a member or an employee of the society:

Provided that on the request of the committee or one-sixth members of the society, and in case of dispute in a society, the Registrar may appoint the returning officer to conduct the election of a society:

Provided further that the Government shall appoint returning officer, not below the rank of a gazetted officer or a retired gazetted officer to conduct the election of a co-operative bank, financial bank, federal co-operative society and such housing society as has been allotted land and draw of lots has not been conducted in accordance with the provisions of section 77 and such housing society as is awaiting allotment of land.”

Further Sub Section 5 of Section 35 provides as follows:-

“Thereafter the committee shall arrange election of the new committee before the expiry of its term and in case the committee fails to do so, the committee shall cease to hold office on the expiry of its term and the affairs of the co-operative

20/ce
19/3/21

①

society shall be managed by an administrator appointed by the Registrar who shall also hold election within ninety days from the date of his appointment.”

In view of the above it is statutory obligation of every Managing Committee of a Cooperative Society registered under the Delhi Cooperative Societies Act, 2003 to elect the new managing committee before the expiry of its term. In view of the Sub Section 5 of Section 35, on its failure to do so, the Managing Committee ceases to hold office and affairs of such Cooperative Societies are to be managed by an Administrator -cum- Returning Officer to be appointed by the office of RCS, who shall also hold the election for constitution of the new Managing Committee within 90 days.

As per the revised SOPs /Protocols issued by Chief Secretary, Delhi as Chairman of DDMA, pursuant to the guidelines issued by National Disaster Management Authority, Government of India, Ministry of Home Affairs vide order No.40-3/2020-DM-I(A), dated 26.02.2021 the only restrictions of upto 200 people is enforce in case any gathering, including holding of any AGM/GBM if conducted in a closed hall. However, in open space there is no such restrictions on Numbers which will be allowed keeping the size of the ground/space in view and with strict observance of social distancing, mandatory wearing of face masks, provision for thermal scanning and hand wash or sanitizer etc.

In view of the above all the ARs shall ensure that appropriate corrective action for appointment of Administrator cum Returning Officer is taken in all such except those mentioned in second proviso of sub section (1) of section 35 of DCS Act 2003 quoted above where the earlier Managing Committee have failed to elect new Managing Committee before expiry of their terms. Moreover as such earlier Managing Committee

have ceased to hold office on the expiry of its term and the affairs of the co-operative society are being managed by an Administrator appointed by the Registrar under Section 35(5) of Delhi Cooperative Societies Act, 2003 who shall also hold election within ninety days from the date of his appointment, immediate appointment of the Administrator cum Returning Officer as per the mandate of the Delhi Cooperative Societies Act and conduct of elections within the statutory time limit of 90 days as prescribed under Section 35 (5) of the Delhi Cooperative Societies Act is of utmost importance. Necessary action in this regard may be initiated by all the ARs of the concerned section and compliance be reported within 10 days positively.



(RANJEET SINGH)
ADDL. RCS

F. No. 47/Policy/Misc/2015/

Dated:-

Copy to :-

1. P.S to Registrar Co-operative Societies.
2. P.A to Addl. Registrar Cooperative Societies
3. P.A. to Dy. Registrar(s) O/o RCS
4. All the Assistant Registrar(s) O/o RCS
5. Guard File.
6. Computer Cell



(RANJEET SINGH)
ADDL. RCS