

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 11th April, 2018

Complainant : Sh. Ashwani Gupta,
Respondent : The Registrar,
Department of Cooperative Societies,
Govt. of NCT of Delhi,
Old Court Building,
Parliament Street,
New Delhi-110001

Grievance No. : PGC/2017/RCS/05
Grievance filed on : 9/ 10/ 2017
First hearing in the PGC : 31/ 10/2017
Scheduled on

1. Brief facts of the complaint

Sh. Ashwani Gupta filed a complaint in PGC on 9/10/2017 regarding non-allotment of flat in Pragya CGHS Ltd.

2. Proceedings in the Public Grievances Commission

The PGC has convened its hearings in the matter on 31.10.2017, 08.11.2017, 12.12.2017, 14.03.2018 and the latest on 11.04.2018 wherein the following were present:-

Complainant : Present.
Respondent : Sh. Gulshan Ahuja, ARCS, Section-06, GNCTD.

3. Relevant facts emerging during the hearing

The Asstt.Registrar, Cooperative Societies (Sec-6), GNCT of Delhi has conveyed the advice of the Commission to the Society on 05.4.2018 and they in turn gave reply dated 9.4.2018 to the Registrar, Cooperative Societies.

The entire issue reveals certain points :-

- i) The Society is not a profit making body.
- ii) The Society claims that it has never rejected the claim of the complainants for refund of money and instead asked them to approach the Society for refund of money. This point is very intriguing. The Society is well aware that the membership of the complainants have been rejected and they are not members of the Society, then what right the Society has to retain their money and collect the money subsequently also. They should have found way and means of raising enough money to refund them. This aspect shows that there are vested interests in the Society who have a criminal intent to take benefit out of the money of the complainants.

It is at their cost that the works of the Society have been completed and now the Society is trying to cash in on the sales of the property created with the money of the complainants. Therefore, the answer to Registrar, Cooperative Societies is not appropriate.

- iii) Although the Hon'ble Supreme Court had refused to pass an order regarding the refund of interest, and had advised the complainants to approach the Society, the very fact that the Society *suo moto* did not return the money with adequate compensation shows that the complainants have the prerogative of approaching any forum where they would get some justice. Thus coming to the PGC is within the rights of the complainants for redressal of their grievance.

The Commission is of the opinion that if the Society wants to encash and make profits out of the sale proceeds of the flats at this stage, it would amount to profiteering and will go against the principles/rules of the Cooperative Societies. Paying the

construction money along with interest to the complainant is not the solution and it will not be appropriate.

If the Society wants to pass on the flats to somebody else and not to the complainants, then they have to ensure that all the sale proceeds of flats are also passed on to the complainants. At the most, they can make deductions regarding some maintenance etc.

4. Directions of the PGC

These points may also be communicated to the Society by the Registrar, Cooperative Societies. In case the Society is not agreeable, the complainants are free to go the appropriate legal forum and contest the action of the Society for getting all the sale proceeds for themselves.

In view of the above, the case of the complainant is closed in PGC.

**(N. DILIP KUMAR)
MEMBER (PGC)**

Copy to:

1. Shri J.B. Singh, Registrar, Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. Shri Gulshan Ahuja, Asstt.Registrar, Cooperative Societies (Sec-06), O/o. Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
3. Sh. Ashwani Gupta.
4. PS to Member, PGC, GNCTD.