

OFFICE OF THE ADDITIONAL REGISTRAR COOPERATIVE
SOCIETIES

GOVERNMENT OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI - 110 001

F.DR-II/RCS/U/s-91/107278990/2019/192-21

Dated: 03/11/2020

IN THE MATTER OF

Sh. Ashwini Kumar & Smt. Nidhi,
Flat No. A-303, Kesarwani CGHS Ltd
Plot No. 4, Sector-05, Dwarka, New Delhi-110075

.....Appellant

Versus

The President/ Secretary
Kesarwani CGHS Ltd
Plot No. 4, Sector-05, Dwarka,
New Delhi-110075

.....Respondent

ORDER

This order shall dispose of the appeal filed under Section 91 of DCS Act, 2003 by Sh. Ashwini Kumar, dated 10.05.2019 against the President/Secretary of Kesarwani Cooperative Group Housing Society Ltd.

The appeal has been filed by the appellant against the Kesarwani Cooperative Group Housing Society's refusal for transferring of the Joint membership in favour of the appellant and his wife Smt. Nidhi. Brief facts of the case are that the appellant filed an application for the transfer of membership in Form 20 to the society on 01.11.2018. Further he had again sent the reminder to society on after 01.04.2019 but instead of transferring of membership society did not response to the appellant. In representation he also submitted that the Management of society has admitted many members during 2017-2019 but he is being harassed by the Management as he has not been granted the membership of the society inspite of summing all necessary documents and fee and inspite of lapse of a period four months against the time limit of one month specified in the Delhi Cooperative Act. Accordingly, the appellant has filed an appeal u/s 91 of the DCS Act, 2003 and has prayed that the Joint member- ship may be transferred by the society in his favour. Notices were issued to appear before this court on 16.09.2019, 07.11.2019, 15.11.2019, 09.12.2019, 23.12.2019, 17.01.2020, 06.03.2020, 18.09.2020 and 16.10.2020. During proceedings the

(A)

appellant was present and the society was represented by Sh. Himanshu, Care taker of the society alongwith Sh. Ashish Kumar Dabbas, Advocate. The respondent society filed its reply dated 16.10.2020 wherein society submitted that the MC could not transfer the share certificate to the appellant due to the following reasons as under:-

1. Unsolved dispute of Rs. 73 lacs:-The Builder R.R. Construction had filed the case against our society against bounced cheque of Rs. 25 lacs. The cheque was bounced due to insufficient money in society account. The treasure of Said time Sh. Chandresh Kumar Gupta was found guilty and irresponsible. However, the dispute of Rs. 25 lacs was mutually settled down between Ex-Treasurer and Builder. Thereafter Ex-treasurer has claimed Rs. 73 lacs from our society in lieu of Rs. 25 lacs and dispute was highlighted to all members in AGM of 23.12.2018. Due to dispute most of the original members have sold their flat and new member have refused to pay their contribution in the eventuality society loose the litigation of Rs. 73 lacs. Therefore society is unable to understand from whom the share of dispute money shall be recovered.
2. The balance sheet since the allotment of flats FY 2012-13, 2013-14 and 2014-15 of society is pending with RCS office for the approval. The present MC does not know whether, the dispute of 73 lacs is genuine or false.
3. Appellants have made the additional construction and alteration in their flats irrespective of the original design duly approved and passed by DDA and other competent authorities.
4. The form no.18 submitted by the individual appellants is not approved & signed by the vendor.

Further society submitted that Managing Committee is very much willing to transfer the share certificate to the appellants provided they submit and Indemnity Bond for liability stands against them in the future and the contribution of Rs. 73 lacs will also be contributed by the appellants in case society loose the litigation from Sh. Chandresh Kumar Gupta (Ex-Treasurer).

In this regard the appellant has submitted that if above said dispute of 73 lacs is decided against the society in future and if the AGM approves that all the assets/liability shall be shared equally by all the members, in that case appellant shall not raise any nonconformity with the decision.

In view of above and perusal of documents and submission of both parties, I am of the opinion that society has not filed any validated arguments/documents for non transferring of membership to appelland and appelland has also shown their willingness of submissions of payment in above said issue. Hence the society is directed to transfer of membership to appelland within 15 days of receipt of this order without fail.

Hence case is disposed off accordingly and file may sent to the branch of concerned Assistant Registrar for further necessary action.

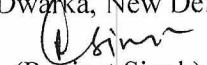


(Ranjeet Singh)

Additional Registrar Cooperative Societies

Copy to:

1. Sh. Ashwini Kumar, No. B-602, Flat No. A-303, Kesarwani CGHS Ltd, Plot No.4, Sector-05, Dwarka, New Delhi-110075.
2. President/Secretary, Kesarwani CGHS Ltd, Plot No.4, Sector-05, Dwarka, New Delhi-110075.



(Ranjeet Singh)

Additional Registrar Co-operative Societies