

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES

GOVERNMENT OF NCT OF DELHI

OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI - 110 001

F.NO. 47 /RCS/Sec-II/U/s-86/2019/1935-39

Dated : 03/11/2020

In the matter of: -

The Delhi Public School CGHS Ltd.

Plot No. 16, Sector-IV, Dwarka

New Delhi-110078

(through President/Secretary).....

.....Applicant

Versus

1. Sh. Rakesh Raman,
Membership No.-133
Flat No. 463, Plot 16,
DPS CGHS, Sector-4, Dwarka
New Delhi-110078
2. Sh. Arul Gaur,
Membership No.-208,
Flat No. 461, Plot 16,
DPS CGHS, Sector-4, Dwarka,
New Delhi-110078
3. Smt. Sushmarani,
Membership No.-201,
Flat No. 351, Plot 16,
DPS CGHS, Sector-4, Dwarka,
New Delhi-110078
4. Smt. Savita Jaiswal
Membership No.-61,
Flat No. 442, Plot 16,
DPS CGHS, Sector-4, Dwarka,
New Delhi-110078

.....Respondents

ORDER

This order shall dispose off the applications dated 13.11.2019 made by applicant society, bearing this office Diary No.45700, 45702, 45704 and 45706 dated 15.11.2019.

The applicant society, made an applications to this office for approving the action of expulsion of respondents namely Sh. Arul Gaur, Smt. Savita Jaiswal, Sh. Rakesh Raman, and Smt. Sushmarani under DCS Act and Rules, on the ground that said four members constantly filing bogus and baseless complaints/representations/litigations against the society management and hindering the working of society. The applicant society issued expulsion notices to all the members on 06.07.2019, 09.08.2019 and 12.09.2019. The Managing Committee of applicant society vide its meeting dated 06.07.2019 resolved to expel the members from the membership of the society, and referred the matter to this office for seeking approval thereof, under DCS Act and Rules.

The matter was examined and proceedings were initiated under Section 86 of DCS Act, 2003. Accordingly, notices were issued appear before this court on 28.02.2020, 05.08.2020, 09.09.2020 and 24.09.2020 and one active hearing through video conferencing was held on 20.08.2020.

The respondents submitted their reply via email and accordingly the same is supplied to the claimant society, the replies submitted by the respondent namely Sh. Rakesh Raman dated 17.02.2020, 25.03.2020, 03.08.2020, 21.09.2020 wherein he has raised various points against the Management of society are as under:-

1. DPS CGHS Management Committee forcing him to pay lacs of rupees for an illegal construction work that is carrying out in connivance with the DDA officials.
2. He has conveyed categorically that he is not interested in any construction / repair work in the DPS CGHS building as it is spreading lethal dust and noise pollution and causing accidents in the building.
3. MC members issue open threats including expulsion notices and arbitrary financial penalties to people who complain against their crimes while most threatened members have succumbed to their threats and become partners in the MC's crimes.
4. The grounds for his expulsion are that he should not write about the DPS CGHS MC's crimes and corruption on my global news service and this is an attack on his editorial freedom guaranteed under article 19 of the Constitution of India.



5. In order to thwart his anti-corruption efforts, the MC members and other rogues are sending multiple threats to him, including false police complaints against him, threats of physical harm to him, expulsion notices, legal notices, and slanderous attacks on his social as well as professional status.
6. MC are hell-bent to get his expulsion because he has been raising his voice against their corrupt practices and because of his efforts MC members are facing multiple inquiries from the top authorities.

The respondents namely Smt. Savita Jaiswal, represented by Smt. Shobha Gupta, Advocate submitted her reply via email dated 19.08.2020, 31.08.2020 and accordingly the same is supplied to the claimant society, wherein she has raised various points against the Management of society are as under:-

1. The MC has always sent her allegations in the form of Minutes of the GBMs. They never provided her with any documentation which can be relevant on which a response can be given.
2. All negativity of MC against her is because they do not want her to speak against them or to raise points in the interest of the society.
3. Over the past year the MC has only concentrated on increasing FAR, with a dream that increased FAR would enrich them.
4. Any construction undertaken must be complaint with the law. Around the first week of August 2020 under DDA's order DDA personal came for inspection, demolished some pillars and left after giving some instruction.
5. When the MC wanted to carry out the extension, I asked for safety for all at all times health and peace for all. The MC went after my integrity, honesty and intent. Served hundreds of pages of noxious and false charges and papers to all the members. With a direct message to me to let them do what they want, else I would be pilloried, attacked, defamed and ridiculed and even expelled from the society.

The respondents namely Sh. Arul Gaur, filed a reply wherein he has mention various points are as under:-

1. If the contents of his various petitions to such competent authorities as the Delhi High Court and the offices of the Financial Commissioner and the Registrar Cooperative societies were filled with 'Bogus and Baseless' complaints then the competent authorities in their wisdom would have dismissed my petition and issued order to the affect.
2. The various competent authorities have taken serious view of the matters and issued notices to society Management in all cases and not a single petition filed by



me in any matter has yet been dismissed by any competent authority and all those matter currently sub-Judice.

3. Society management as Respondent in all these matters is not competent to be the judge of the merits of the petition. Only the competent authority can do that. Unless the society management can produce such an order from the competent authority, their claims regarding merits of the petitions can only be ignored.

None reply received from the respondent namely Smt. Sushma Rani.

Further after provided sufficient opportunity to the society on 20.10.2020 society has filed its common reply wherein society has submitted that:-

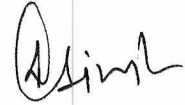
1. These members are constantly filing bogus and baseless complaint/representation / litigations, against the society management by leveling serious allegations. But till date, not even single proper documents are being placed before any authority/court of Law by the respondents.
2. To this effect the society management on number of occasions verbally requested to the respondents even in GBM/AGBM's to raise his issues in the open forum. But, without substantiating their claims and the respondents are constantly instigating the society under false implications.
3. Due to severe problem of seepage, the buildings of the above-mentioned society needed urgent repairs and as the extended FAR is being provided to the Cooperative Societies in Delhi. The MC of the society after taking proper and individual consensual approval from the general body of the society incorporated the repair as well as extension work, which is more cost effect, than to do these work separately, due to their vested interests, the respondents have no left any stone un-turned to make vague, bogus and defamatory representation against the MC of the society.
4. The MC is doing an honorary work and till date not even a single penny is being spent by the present Management without taking approval from the general body / house of the society. Yet after such transparent and hard-work, the respondents instigating and defaming the Management of the society which is not in a good taste. The MC members resides in the society and such conduct is not acceptable.

On going through the submission made by both the parties and record available in the case file, it is observed that raising voice against the working of the society shall not be the ground of expulsion from the membership and as society mention that these members are constantly filing bogus and baseless complaint/representation / litigations, against the society management by leveling serious allegations, in this regard it is pertinent to mention here that the complaints are fabricated or not it should be decided by the competent authorities not by the Management of the society.

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In the view of the above and observations made hereinabove, I am of the opinion that the society does not full fill the basic grounds of expulsion of membership. Hence, the expulsion of the respondents u/s 86 is rejected and the case is disposed off, accordingly.

The case file be sent to the concerned Assistant Registrar Cooperative Society / Section to keep the same on record.



(Ranjeet Singh)

Additional Registrar Cooperative Societies

To

1. The President/Secretary, The Delhi Public School CGHS Ltd, Plot No. 16, Sector-IV, Dwarka, New Delhi-110078.
2. Sh. Rakesh Raman, Membership No.-133 Flat No. 463, Plot 16, DPS CGHS, Sector-4, Dwarka, New Delhi-110078.
3. Sh. Arul Gaur, Membership No.-208, Flat No. 461, Plot 16, DPS CGHS, Sector-4, Dwarka, New Delhi-110078.
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(Ranjeet Singh)

Additional Registrar Cooperative Societies