

# OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES

GOVERNMENT OF NCT OF DELHI

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

No.F.13/Reader/SPL.RCS/Sec.86/2018/1970-71

Dated : 24/11/2020

In the matter of: -

The Manav Cooperative Group Housing Society Limited,  
Plot No.3, Sector - IX, Rohini, Delhi - 110 085  
(through its President/Secretary).....

.....Petitioner

Versus

Shri Rahul Jain son of Shri R.C. Jain (Membership No.83)  
r/o Flat No.B-308, Manav CGHS Ltd.,  
Plot No.3, Sector - IX, Rohini, Delhi - 110 085.....

.....Respondent

## ORDER

This order shall dispose of the application dated 18.11.2018 made by applicant society, bearing this office Diary No.51451 dated 22.11.2018.

The applicant society, made an application to this office for approving the action of expulsion of respondent under DCS Act and Rules, on the ground that said member is defaulter of the society and has not been paying the maintenance to the society for providing essential services since October 2011. The applicant society issued expulsion notice to the member on dated 28.05.2018, 13.07.2018 and 20.08.2018. In pursuance to the served notice the respondent did not reply for any notices. The Managing Committee of applicant society vide its meeting dated 07.10.2018 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 to all the concerned for providing opportunity.

During hearing appellant society was represented by Sh. Y.D. Mishra, Manager of the society and the respondent Sh. Rahul Jain represented himself.

Sh. Rahul Jain, respondent submitted that a case regarding validity/legal sanctity of the former Managing Committee is sub judice the Ld. RCS. Further the order dated 27.10.2020 has been passed by Ld. RCS the extract of the order is produced here below:-

"In view of the admission of the society itself as placed on record vide the report of the Administrator that the election held on 06.08.17 was not conducted in the society through the appointment of a Returning Officer and Managing Committee was formed in the same SBGM on 06.08.17 by the Member present by adopting above procedure and also that though the election was decided by the Members in the meeting on 06.08.17, the same was not informed on Notice Board to all Members but Immediately President and the Members present in the meeting were nominated and MC was formed; it is clear that the induction of the members Sh. M.P. Bhardwaj, Smt. Seema Goyal in the managing committee of the society and further of Sh. C K Jain as President of the society and Sh. J K Jain as Secretary of the society in the SGBM held on 06.08.2017 and thereafter the formation of the new Managing Committee was illegal and any action taken by it including the expulsion proceeding initiated against the complainant cannot be on the face of it be taken to be legally tenable."

In view of the above order of the Ld. RCS dated 27.10.2020 the expulsion proceeding initiated against the complaint is revoked and case is dismissed.

Hence 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 Manav Cooperative Group Housing Society Limited, Plot No.3, Sector - IX, Rohini, Delhi - 110 085.
2. Shri Rahul Jain son of Shri R.C. Jain, Membership No. 83 ,r/o Flat No.B-308, Manav CGHS Ltd., Plot No.3, Sector - IX, Rohini, Delhi - 110 085.
3. Computer Cell.



(Ranjeet Singh)

Additional Registrar Cooperative Societies