

*“No carelessness until there is a cure Wear mask,
follow physical distancing & maintain hand hygiene”.*

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
M-Block , I.P. Estate (near ITO) Vikas Bhawan: New Delhi-2
Order under Para 2(B) of the PGC Resolution No. F.4/14/94-AR/dt. 25.9.97

Date of hearing: 28.10.2020

Complainant : Sh. Ranvir Singh Garg

Respondent : The Registrar,
Department of Cooperative Societies,
Govt. of NCT of Delhi
through
Sh. Amrit Pal Singh,
Sr. Assistant – Present.

1. Brief Facts of the Case

- 1.1 The complainant Sh. Ranvir Singh Garg has filed a grievance in the Commission against the Management Committee of the Ordnance Factories Officers CGHS (Ayudh Vihar), Dwarka. The complainant's grievance is regarding mis-appropriation of funds by the Management Committee in collusion with the contractor amounting to Rs.24,90,894/- in the guise of undertaking repair work of their society's flats etc.

2. Facts emerged during the proceedings

- 2.1 Sh. Amrit Pal Singh, Sr. Assistant, Office of RCS was present in the hearing and filed a status report dated 28.09.2020 and the same is taken on record stating that *“This office is in receipt of reply from the society on the complaint of Sh. Ranvir Singh Garg and the same has been provided to the complainant under intimation to PGC.”*
- 2.2 Sh. Amrit Pal Singh, Sr. Assistant submitted that the complainant has filed a case before the Registrar under Section 121 of the DCS Act, 2003. In this regard, Section 121 of the aforesaid Act is reproduced as under:-

Cognizance of offences.

121. (1) *No court inferior to that of a Metropolitan Magistrate shall try any offence under this Act.*
- (2) *No prosecution shall be instituted under this Act without the previous sanction of the Registrar and such sanction shall not be given unless the person concerned has been provided a reasonable opportunity to represent his case.*
- (3) *Every offence under this Act shall, for the purposes of the Code of Criminal Procedure, 1973 (2 of 1974), be deemed to be a cognizable offence.*
- 2.3 He further stated that only Court of Metropolitan Magistrate is empowered to take any action under this section. Further, the complainant also has to appear personally before the Court to enable it to take any decision in the matter. The Registrar has to also give opportunity for hearing to both the complainant and the party complained against before forwarding the matter to the Metropolitan Magistrate's Court.

2.4 The complainant was not present in the hearing.

3. Directions

3.1 The complainant has filed his case before the Registrar under Section 121 of the DCS Act, 2003. He is advised to appear before the Registrar, as and when, called upon the respondent department to present his case and follow other due norms as prescribed under the said Section 121 of the DCS Act, 2003. However, if the complainant is not satisfied with the decision of the competent authority under the said Section, then he is free to file his case before this Commission with regard to his present complaint.

3.2 With these directions, the case stands disposed of in the Commission.

**(SMT. MADHU SHARAN)
MEMBER (PGC)**

No.PGC/2020/A.II/05

Dated:

1. Shri Virender Kumar, Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. Sh. Tanuj Bhanot, Assistant Registrar (Sec-IV/H), Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
3. Sh. Ranvir Singh Garg