

*“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: 20.01.2021

Complainant : Sh. Daulat Ram

Respondent : The Registrar,
Department of Cooperative Societies,
Govt. of NCT of Delhi
through Sh. I.A. Khan, Section Officer (Sec-3),
Office of RCS - Present.

1. Brief Facts of the Case

- 1.1 Sh. Daulat Ram has filed a grievance in the Commission on 28.11.2019 against Sh. Gurdev Sharma who was President of Jhulelal Cooperative Group Housing Society, Road No.44, Pitampura, Delhi w.e.f. 2011 to 2014 by taking membership illegally under section 91 of the DCS Act, 2006 whereas, according to the complainant, the said Society is a self draw Society where rules and regulations of the DCS Act cannot be enforced. Further, Sh. Gurdev Sharma has been involved in many illegal and criminal activities and FIR has also been lodged against him in the area of Mathura, Uttar Pradesh. However, Sh. Gurdev, despite civil and criminal cases against him, has been trying to take part in the upcoming Society's elections as President with the connivance of the Administrator and officers of the RCS office.

2. Facts emerged during the proceedings

- 2.1 Sh. I.A. Khan, Section Officer (Sec-3), Office of RCS was present in the hearing. He furnished a Status Report in the matter dated 19.01.2021 stating therein that:-
“Jhulelal Cooperative Group Housing Society is a self draw society and the same has not been regularized till date and as per rule 104(1), transfer of membership under section 91 of the DCS Act is not allowed in the society as draw of flats has been done illegally by the society. Since the elections of Management Committee of the society were due, in compliance of order dated 31.08.2020 passed by Hon'ble Delhi High Court in WP(C) No.5814/2020, this office vide order dated 14.09.2020, appointed Sh. Prabhat

Kumar Sharma, DIG (Retd.) as Returning Officer u/s 35(i) of DCS Act, 2003 to conduct elections of the society within 90 days (copy of the appointment of RO and court order are enclosed), simultaneously this office has forwarded a letter dated 23.09.2020 (copy enclosed) to the Administrator of the Society directing him to revisit the issue before taking further view with regard to finalizing of electoral roll of Society for conduct of election so as to avoid any further complications including contempt of the orders of Hon'ble Court. Any other ongoing court proceedings/orders and other decisions by any forum which has a bearing on the issue and has not been referred to so far; may also be considered before taking a view in the matter.

Further, this office vide letter dated 20.10.20 has sought comments from the Administrator of the Society in regard to above said complaint filed by Sh. Daulat Ram.

The Administrator, vide letter dated 27.10.2020, has replied to said letter (Copy enclosed). The relevant part is as under:-

"The claim of complainant is incorrect. It is submitted that after examining all the issues including issue pertaining to membership of Society, the undersigned vide letter dated 02.01.2020, recommended holding fresh election of society on the basis of list of 717 members on which previous elections have already been held. The undersigned revisited and examined the issue afresh in the light of letter dated 23.09.2020 of ARCS, Sec.III/GH/LO and noted that there is no court orders cancelling membership of any of 717 members or disqualifying any of 717 members from participating in elections and reiterated the recommendation dated 02.01.2020. The list of 717 members has been submitted in the office of RCS vide letter dated 08.10.2020 alongwith leading to recommendation for holding elections of society on the list of 717 members.

It is pertinent to mention here that a Writ Petition No.8852/2020 was filed in the Hon'ble Delhi High Court praying that respondent No. 3/RO to conduct elections of the Society only after fresh electoral list of the members is prepared by excluding names of 3 members, who were enrolled u/s 91 of DCS Act. Hon'ble Court, on 09.11.2020, dismissed with the directions that "once the election process in r/o Managing Committee of Respondent No.1/Society has been set into motion, we decline to entertain the present petition....." (copy enclosed)."

- 2.2 The complainant was not present in the hearing. Further, the departmental representative submitted that the complainant has also not attended even a single hearing in the High Court related to the matter neither his correspondence address was

found to be correct. As a result, it appears that the complainant is not a genuine person and the complaint seems to be filed in vested interest.

3. Directions

3.1 The complaint seems to be filed in vested interest and fabricated in nature. Further, a case relating to the matter was also dismissed by the Hon'ble Court as the Court has refused to entertain the said petition. Therefore, the case cannot be heard in the Commission anymore.

3.2 With these directions, the case is disposed of.

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

No. PGC/2019/A.II/RCS/10

Dated:

Copy to:

1. The Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. The Joint Registrar (Admn.), Cooperative Societies, GNCT of Delhi, Old court's Building, Parliament Street, New Delhi-110001.
3. Sh. Daulat Ram

