

GOVT. OF NATIONAL CAPITAL TERRITORY DELHI
IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001

F. No.47/AR/Sec-III/265-GH/RCS/2017/1445-1452

Dated: 08/06/2021

In the matter of:-

1. SMT. SHUSHILA GUPTA
2. SH. LALIT SETHI
3. SMT. MANJU MITTAL
4. SH. G.D CHAMOLA
5. SH. NARESH SEHGAL

..... COMPLAINANTS

VERSUS

1. GANGA TRIVENI CGHS LTD.
(Through President/Secretary)

.....RESPONDENT

ORDER

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 29.11.2017 issued u/s 37(1) of DCS Act, 2003.

Sh. J N Gupta, Advocate for claimant/petitioners Smt. Sushila Gupta, Sh. Lalit Sethi, Smt. Manju Mittal, Sh. G.D. Chamola, and Smt. Naresh Sehgal, states that despite passing of the orders by the Deputy registrar U/s 91 DCS Act, 2003 on 08.06.2016, the Society has not granted membership to the claimants/petitioners in terms of the orders. As per Section 91 of DCS Act, 2003 in case of refusal by the Committee for grant of membership to such purchaser of property plot or flat in housing Society, the applicant may appeal to the Registrar within 30 days and the decision of the Registrar shall be final.

Sh. S.K. Sharma, Advocate for the Managing Committee alongwith Sh. B.R Rikhi, Secretary of the Society is present. However, on question by the court they could not clarify whether the order of the Registrar u/s 91 of the Delhi Cooperative Societies Act, 2003 was subsequently challenged or is under stay, and they are aware that failing which the order is implementable and if not implemented attracts action U/s 118 of DCS Act, 2003 which provides for prosecution for disobedience of lawful orders issued under the provisions of the DCS Act and Rules. Sh. Sharma and the Secretary of the Society have separately mentioned that certain dues of the Society towards the housing loan availed from the DCHFC are outstanding and as per the decisions of the General Body, all members/flat owners were required to contribute for clearance of the dues. I do not find any merit in this argument.

As regards the grant of membership to subsequent purchaser of property relevant U/s 91 of DCS Act, 2003 it does not refer to any such condition to be complied by any purchaser before the grant of Membership of the Society. In fact not making them members in compliance of the orders of Deputy Registrar and yet expecting them to pay the dues which might have been attributable to the original members is most unreasonable on the part of the Managing Committee of the Society.

As regards, the present proceedings under section 37(1) of the DCS Act, 2003, Sh. J.N. Gupta Advocate states that his written submissions are already on record and a copy thereof has also been given to the Managing Committee of the Society. Written submissions have also been filed on behalf of the Managing Committee of the Society and copy thereof has been given to Sh. J.N. Gupta and other complainants /petitioners.

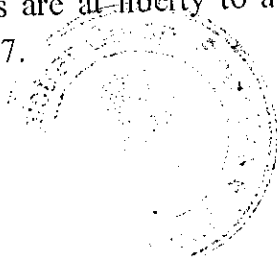
[Handwritten signature]

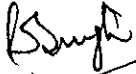


Ld. Counsels for the parties state that apart from the written submissions already on record, no further arguments are to be advanced.

In view of the above, it is evident that the Managing Committee of the society has failed to implement the order dated 08.06.2016 u/s 91 of DCS Act, 2003 passed by the DRCS which has already attained finality. In the facts and circumstances of the case as noted herein above, the conduct of the society amounts to negligence in performance of the duties imposed upon it and is delaying the implementation of the order dated 08.06.2016 on untenable grounds. Further, various contentions put forth by the society to oppose the supersession of the committee and appointment of an Administrator u/s 37(1) of DCS Act, 2003 are apparently devoid of any merit.

Now, therefore in exercise of powers conferred u/s 37(1) of the DCS Act, 2003, the Managing Committee of Ganga Triveni CGHS Ltd. is superseded with immediate effect. Accordingly, Assistant Registrar Cooperative Societies (Section-3) is directed to immediately put up a proposal for the appointment of an Administrator of the society to manage its affairs. The parties are at liberty to avail appropriate legal remedies as per DCS Act, 2003 and Rules, 2007.



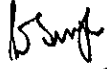

(DEVINDER SINGH)
SECY. (COOP.)-CUM-RCS

F. No.47/AR/Sec-III/265-GH/RCS/2017/1445-1452

Dated: 08/06/2021

Sent to:-

1. President/Secretary, Ganga Triveni CGHS Ltd., Plot No. 24/1, Sector-9, Rohini, Delhi-110085.
2. Mrs. Sushila Gupta, Flat No. G-1/6, Ganga Triveni CGHS Ltd., Plot No. 24/1, Sector-9, Rohini, Delhi-110085.
3. Mr. Lalit Sethi, Flat No: B-1/1, Ganga Triveni CGHS Ltd., Plot No. 24/1, Sector-9, Rohini, Delhi-110085.
4. Mrs. Manju Mittal, Flat No. G-1/5, Ganga Triveni CGHS Ltd., Plot No. 24/1, Sector-9, Rohini, Delhi-110085.
5. Mr. G.D Chamola, Flat No. D-3/10, Ganga Triveni CGHS Ltd., Plot No. 24/1, Sector-9, Rohini, Delhi-110085.
6. Mr. Naresh Sehgal, Flat No. C-4/5, Ganga Triveni CGHS Ltd., Plot No. 24/1, Sector-9, Rohini, Delhi-110085.
7. Assistant Registrar Cooperative Societies (Section-3) O/o RCS.
8. Incharge Computer Cell to upload the order on the website of the Department.


(DEVINDER SINGH)
SECY. (COOP.)-CUM-RCS