

# OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES

GOVERNMENT OF NCT OF DELHI

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

No.F.Annand Niketan CGHS/Expul 86/Addl.RCS/2021/2772 -73

Dated : 17/08/2021

In the matter of: -

Annand Niketan CGHS Ltd.

Annand Niketan Club Building

Annand Niketan

New Delhi-110021.

.....Appellant

Versus

Sh. Narsingh Awatar

E-89, Annand Niketan

New Delhi-110021

.....Respondent

## ORDER U/s 86(1) of DCS Act 2003

This order shall dispose of the application dated 22.03.2021 made by applicant society, bearing this office Diary No.13944 dated 24-03-2021.

The applicant society, made an application to this office for approving the action of expulsion of respondent under DCS Act and Rules, resolved by the Managing Committee, on the ground that said member is detrimental to the interests and proper working of the society, its club, and official etc. The applicant society issued three expulsion notices to the member on 28.06.2020, 23.11.2020 and 17.01.2021 and further on society has issued notice dated 14.02.2022 to Sh. Narsingh Awatar, Respondent for personal hearing before the Managing Committee on 26.02.2021. In pursuance to the served notice the respondent has filed the reply to the society and the society was unsatisfied with the reply given by the respondent. The Managing Committee of applicant society 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. Oral arguments of both the parties heard and their respective written reply/rejoinder were also obtained and placed in case file.

During hearing applicant society represented by Sh. Rajeev Vig, Advocate and respondent was present in person.

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Society has raised various allegations against the Respondent Sh. Narsingh Awatar are as under:-

1. That respondent have been knowingly spreading false and atrocious rumours, carrying out a slanderous campaign against the society. He has also been making all sorts of false frivolous, baseless and misleading complaints and malicious allegations against the society and its committee causing huge disrepute to the society.
2. Respondent has also indulged in other scurrilous acts and fraudulent misrepresentation which are detrimental to the interest and proper working of the society, club and its committee/sub-committees.
3. Respondent is a persistent defaulter in the payment of watch and ward charges and also have been instigating other members/resident not to pay their dues because of your personal baseless grudges and agendas to create chaos and disharmony in the society.
4. Respondent has been constantly maligning the society and its officials on whatsapp group by calling them delinquents, corrupt and inefficient and making allegations without any basis or proof.
5. That respondent and connivance with his associates and with the malfide intent, have filed numerous false and frivolous complainants in the past to different authorities against the society on different frivolous issues i.e. charging watch and ward charges accounting procedure etc. despite being an active party to the various General Body decision/resolution passed from time to time on strengthening watch and ward system in the society.

In this furtherance respondent has submitted points wise reply as are under:

1. There are no outstanding against him in the General Ledger maintained by the society on account of watch and ward charges and therefore I am not a defaulter.
2. Pointing out that Rule 99(1) was not complied with in as much the society did not provide me the copies of the minutes of the MC and documentary evidence relating to the allegations made and second and third notices contained additional allegations.
3. Society do not follow the DCS Rules 99 of DCS Rules 2007 wherein Cooperative Housing Society, which has been allotted land before the expelling a member shall give final opportunity by publishing a notice in the leading Hindi and English newspapers in the National Capital Territory of Delhi informing the affected member to be present in person or through an authorized representative before the Registrar on the date fixed for the final hearing.
4. The Annual Reports also do not mention as to in which respect and in what manner and to which extent there has been any adverse effect. Detrimental means disadvantageous or causing damage. No details and extent of loss or reputation of disadvantage or damage of any kind, nature of effect on proper functioning.

After gone through the documents available in the case file and submission made herein above It is seen that society stressing a single point that respondent has been making continuous complaints against the society since long. And the all complaints made by the respondent are false, frivolous, baseless, misleading and these allegations are causing huge disrepute to the society and the respondent is persistent defaulter. In this furtherance it is pertinent to mention here that society did not supplied any ledger of society which proved member is defaulter and In case of any issue/grievance each & every individual resident/member of cooperative society has a right to approach the appropriate



authority/forum to redress his/her issue/grievance, and it doesn't mean the aggrieved individual is brought disrepute to the society and his acts are detrimental to the interest and proper working of the society.

In the view of discussion, the record available in case file and observations made hereinabove, the appeal made by the applicant society for proceedings of expulsion of membership namely Sh. Narshing Awatar, E-89, Anand Niketan, New Delhi-110021 is dismissed.

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. President/Secretary, Annand Niketan CGHS Ltd. Annand Niketan Club Building, Annand Niketan New Delhi-110021.
2. Sh. Narsingh Awatar, E-89, Annand Niketan CGHS Ltd, Annand Niketan, New Delhi-110021.
3. Computer Cell for uploading.
4. Guard File.



(Ranjeet Singh)

Additional Registrar Cooperative Societies