

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES
GOVERNMENT OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI - 110 001

F.No./Addl.RCS/u/s-86/RCS/2020/2774-2801

Dated : 17-08-2021

In the matter of :-

The President/Secretary,
Maharishi Dayanand CGHS Ltd.,
B-4, Vasant Kunj, (Adjoining B-5 & 6 DDA Flats),
New Delhi-110070

.....Applicant

Versus

Vikram Singh & others

.....Respondent

ORDER UNDER SECTION 86 (1) OF DCS ACT, 2003

This order shall dispose of the application dated 27.10.2020 made by applicant society, bearing this office Diary No.26359 dated 28.10.2020.

The applicant society, made an application to this office for approving the action of expulsion of 60 members under DCS Act and Rules, resolved by the Managing Committee on 04.10.2020, on the ground that members namely Sh. Vikram Singh (Membership No.04), Sh. Sanjay Kumar Madan (Membership No.05), Sh. Devender Kumar (Membership No.11), Sh. Dinesh Vir (Membership No. 17), Sh. Nawab Singh (Membership No. 21) Sh. Uma Shankar/Sh. Vipin Chander (Membership No.22), Sh. Satya Prakash Sharma (Membership No.23), Smt. Mohini Bhatia (Membership No.27), Sh. Mehtab Singh Rathi (Membership No.29), Smt. Mamta Gupta (Membership No.32), Smt. Meena Malhotra (Membership No.33), Sh. Kishan Kumar Aggarwal (Membership No.35), Smt. Meenu Rathee (Membership No. 40), Sh. L.R. Suman (Membership No.42), Sh. Rajesh Kumar Rathi (Membership No.46), Sh. Vikas Panchal, (Membership No.48), Smt. Lily Chen (Membership No. 55), Sh. Brijesh Kumar Vashisht (Membership No.64), Sh. C.P. Saini (Membership No.66), Smt. Khushboo (Membership No.68), Sh. Mridula Wadhwa (Membership No.69), Sh. Anil Kumar Mittal (Membership No. 72), Sh. Balbir Singh Chauhan (Membership No.76), Sh. Kewal Krishan Mittal (Membership No. 77), Sh. Vijay Kumar (Membership No.78), Sh. Nayan Singh Balyan (Membership No. 79), Sh. Chander Pal Singh Verma (Membership No.80), Sh. Gulshan Manchanda (Membership No. 89), Sh. Shiv Raj Gupta (Membership No.95), Sh. Jagdish Rai Gupta (Membership No.96), Shri Krishan (Membership No.100), Smt. Seeta Taulia (Membership No. 102), Sh. Balesh Aggarwal (Membership No.106), Sh. Hari Singh (Membership No.115), Sh. Ram Vir Singh Rathi (Membership No.116), Sh. Om Prakash (Membership No. 119), Sh. Rajender/Narender Gupta (Membership No.131), Sh. Mahender Singh Saini (Membership No.133), Smt.

Neelam (Membership No.136), Smt. Pooja Malhotra (Membership No.141), Smt. Mona Bhandari (Membership No. 148), Sh. Ankur Arora /Sh. Ankush Arora, (Membership No. 151), Sh. Sidharth Raj Arora (Membership No. 152), Sh. Kapil Mahendiratta (Membership No. 153), Sh. Baljeet Singh Bharel (Membership No. 154), Sh. Yogesh Kumar (Membership No.156), Smt. Kirti Singh (Membership No. 164), Sh. Harendra Kumar (Membership No. 165), Sh. Anju Jain (Membership No.168), Smt. Tapasvi Singh Yadav (Membership No. 171), Sh. Om Pal Singh (Membership No. 175), Sh. Ajeet Singh Suman (Membership No.176), Sh. Pradeep Malhotra (Membership No. 184), Smt. Juri Pandey (Membership No.187), Sh. Sanjay Kapoor (Membership No. 190), Sh. Sidhant Kumar (Membership No. 191), Sh. Munish Sudan (Membership No. 195), Smt. Meenakshi Aggarwal (Membership No. 196), Sh. Simmi Kapoor (Membership No. 200), Smt. Sushma & Sh. M.N Sharma (Membership No. 201) are persistent defaulters in respect of the society dues. The applicant society issued three expulsion notices to the member on 17.02.2020, 02.06.2020, and 08.08.2020 and no reply has been received from the respondents in regards of served notices. The applicant society issued a letter dated 16.09.2020 to the respondents for providing an opportunity for hearing on 03.10.2020 before the Managing committee in society's office. The Managing Committee of applicant society vide its meeting dated 04.10.2020 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 appear before the court of undersigned on 04.01.2021, 14.01.2021, 19.01.2021, 02.02.2021, 25.02.2021, 25.03.2021, 27.04.2021 and 27.07.2021 to all the concerned for providing opportunity.

During hearing society has represented by Sh. J.N. Gupta, Advocate and he has submitted various letters wherein society requested to withdraw the expulsion of members namely Sh. Sanjay Kumar Madan (Membership No.05), Sh. Nawab Singh (Membership No. 21), Sh. Satya Prakash Sharma (Membership No.23), Smt. Mohini Bhatia (Membership No.27), Sh. Mehtab Singh Rathi (Membership No.29), Smt. Mamta Gupta (Membership No.32), Smt. Meena Malhotra (Membership No.33), Sh. Kishan Kumar Aggarwal (Membership No.35), Sh. L.R. Suman (Membership No.42), Sh. Rajesh Kumar Rathi (Membership No.46), Sh. Brijesh Kumar Vashisht (Membership No.64), Sh. C.P. Saini (Membership No.66), Smt. Khushboo (Membership No.68), Sh. Mridula Wadhwa (Membership No.69), Sh. Balbir Singh Chauhan (Membership No.76), Sh. Vijay Kumar (Membership No.78), Sh. Chander Pal Singh Verma (Membership No.80), Sh. Shiv Raj Gupta (Membership No.95), Sh. Jagdish Rai Gupta (Membership No.96), Shri Krishan (Membership No.100), Sh. Balesh Aggarwal (Membership No.106), Sh. Hari Singh (Membership No.115), Sh. Ram Vir Singh Rathi (Membership No.116), Sh. Rajender/Narender Gupta (Membership No.131), Sh. Mahender Singh Saini (Membership No.133), Smt. Neelam (Membership No.136), Smt. Pooja Malhotra (Membership No.141), Sh. Yogesh Kumar (Membership No.156), Sh. Anju Jain (Membership No.168), Sh.

Ajeet Singh Suman (Membership No.176), Sh. Pradeep Malhotra (Membership No. 184), Smt. Juri Pandey (Membership No.187), Sh. Sanjay Kapoor (Membership No. 190), Sh. Sidhant Kumar (Membership No. 191), Smt. Meenakshi Aggarwal (Membership No. 196), Sh. Simmi Kapoor (Membership No. 200), and other members namely Sh. Vikram Singh (Membership No.04), Sh. Devender Kumar (Membership No.11), Sh. Dinesh Vir (Membership No. 17), Sh. Uma Shankar/Sh. Vipin Chander (Membership No.22), Smt. Meenu Rathee (Membership No. 40), Sh. Vikas Panchal (Membership No.48), Smt. Lily Chen (Membership No. 55), Sh. Anil Kumar Mittal (Membership No. 72), Sh. Kewal Krishan Mittal (Membership No. 77), Sh. Nayan Singh Balyan (Membership No. 79), Sh. Gulshan Manchanda (Membership No. 89), Smt. Seeta Taulia (Membership No. 102), Sh. Om Prakash (Membership No. 119), Smt. Mona Bhandari (Membership No. 148), Sh. Ankur Arora /Sh. Ankush Arora, (Membership No. 151), Sh. Sidharth Raj Arora (Membership No. 152), Sh. Kapil Mahendiratta (Membership No. 153), Sh. Baljeet Singh Bharel (Membership No. 154), Smt. Kirti Singh (Membership No. 164), Sh. Harendra Kumar (Membership No. 165), Smt. Tapasvi Singh Yadav (Membership No. 171), Sh. Om Pal Singh (Membership No. 175), Sh. Munish Sudan (Membership No. 195), and Smt. Sushma & Sh. M.N Sharma (Membership No. 201) and respondents namely Sh. Vikram Singh, present in person, Sh. Devender Kumar in person, Sh. Vipin Chander Arya in person, Smt. Meenu Rathee in person, Sh. Yefu Chen on the behalf of Smt. Lily Chen, Sh. Anil Kumar Mittal in person, Sh. K.K. Mittal in person, Smt. Gulshan Manchanda on the behalf of Sh. Gulshan Manchanda, Sh. Shanky Bhandari on the behalf of Sh. Mona Bhandari, Sh. Sidharth Raj Arora, Advocate/respondent in person and also for Sh. Ankur Arora/Ankush Arora and Sh. Kapil Mehndirata, Sh. Baljeet Singh Bharel in person, Sh. Om Pal Singh in person and for respondent Smt. Kirti Singh, Smt. Tapsvi Singh Yadav in person and Sh. M.N Sharma in person. None present for Sh. Vikas Panchal, Sh. Nayan Singh Balyan, Smt. Seeta Taulia, Sh. Om Prakash, Sh. Harender Kumar, Sh. Munish Sudan and Smt. Sushma Sharma/Sh. M.N. Sharma.

In the mean time respondents have filed their individual reply and subsequently copy of the same has been provided to counsel of the applicant society and applicant society has filed rejoinder/reply on 27.07.2021 and society has also stated that they have already sent rejoinder/reply to the respondents/members via Speed Post.

After gone through the documents/reply of the respondents and rejoinder of the applicant society, it is seen that the MC appointed the contractor for construction on 23rd September, 2009, the approval of plan/drawings(MPD-2001) from the competent Civic authorities(DDA) was obtained only on 22nd March, 2012, the contractor was appointed 2 years and 6 months before the approval layout and building plan by the DDA and work was started on the construction site immediately after awarding the contract without any sanction plan. And in approved section plan as per MPD 2001 there was approval for 3 types of flats (i.e 17 of 1 BHK units, 116 of 2 BHK units and 48 of 4 BHK unit) but construction was running as per their own which is 4

BHK unit for all direct violation of Approval Plan 2001.

Honourable Supreme Court vide its order dated 21st November 2016 in Civil Appeal number 2470 of 1998 title DDA versus Maharishi Dayanand Cooperative Group Housing Society Limited and others as of that reads as follows:-

“ While the society has yet to develop the area so allotted, the master plan for Delhi has been revised and fresh master plan that is mpd-2021 has been notified, the society now appears to be claiming the right to develop the plot allotted in its favour in terms of the modified master plan the Honourable Court has granted permission to develop the subject plot in accordance with the master plan 2021”. So it is evidently clear that even the apex court of the country has given its permission to develop the plot in accordance with master plan 2021 in November 2016 only, then once again from where the question of raising demand and charging interest penalty up to 2016 has come in.

Further South Delhi Municipal of Cooperation vide order dated 24.04.2018 stands revised by the MPD 2021 and subject to environment clearance which was given to the society on 30.04.2019.

And Sh. Raj Kumar, the then Additional RCS vide order No. Addl.RCS/Coop/Exp/2014/245-260 dated 19.03.2015 had rejected the expulsion of 11 defaulter members, on the grounds that there are many infirmity (defects) in the process adopted by the society while considering expulsion proceedings and raising demand from the members. At that time, society had approved layout plan for three types of flats i.e 17 of 1 BHK flats, 116 of 2 BHK flats and option for the category of flat was not obtained by society from the members. It is also not known as to how they started construction without having approved layout plan from the competent authority i.e DDA.

And Sh. Indu Shekhar Mishra, the then Special RCS vide order no. Spl.RCS/Coop/Exp/2017/157-185 dated 10.03.2017 had rejected the expulsion of 25 defaulter members on the grounds that the approval for four bedroom flats was done in the meeting 08.02.2015, reason for not taking consent for types of flat in accordance with earlier approved plan before raising demand has not been clarified. Notice asking the member to pay the dues not submitted to identify that demand was raised before issue of expulsion notice and MC of the society acting with an ulterior motive deliberately kept all the members of the society in dark about the status of the revised layout plan for construction of 4 BHK flats. It is pertinent to mention that all the members of the society were misinformed by the MC that they have permission to build 4 BHK flats. Wherein in fact no such permission was granted by the Suprem Court or the concerned local authority i.e Delhi Development Authority And also the members have applied for loan to various banks. The payment plan as per the change in the architectural design was not

in the notice of the members. Any sudden step like expulsion from the membership will bring hardship to the members as in near future there is no such scheme from DDA to allot land to newly registered society.

After gone through the all documents placed in case file it is evaluated that the MC of the society had adopted a defective demand schedule which was circulated over a period of time. It is a well settled rule that the demand should be linked with the stages of the construction but in our case the said demand schedule was neither followed nor is based on any reasonable criteria. The demands are being raised quarterly irrespective of the stages of the construction without following any technical, legal and rational basis. Members have been objecting this demand schedule/practice. Since long this type of demand schedule calls for revision in accordance with the settle legal norms (RERA & DCS Act 2003). Moreover, earmarking block number 3 for flats @ 1450 per square feet by MC is also disputable and totally against the law. It is pertinent to mention here that as per contract payment schedule, the cost of the actual construction work carried out in tower number 3 so far comes out to approx. rupees 52,00,000/- (Fifty two lakh) per member as about only 50% of construction work has been completed, whereas the MC of the society has raised uniform demand to the extent of rupees 94 lakh per member which is totally illegal, inflated, motivated and baseless. Hence society is directed to raise the demand as per well settled rule that the demand should be linked with the stages of the construction and further on society has no legal right to demand for the interest from the member from 2009 as the society has no MPD Plan then on and South Delhi Municipal of Cooperation vide order dated 24.04.2018 stands revised by the MPD 2021 and subject to environment clearance which was given to the society on 30.04.2019. Therefore society has legally got the right to raise the demand since then only.

And as per past record, the expulsion cases of the members of the society has already been dismissed by Sh. Raj Kumar, the then Additional RCS vide order No. Addl.RCS/Coop/Exp/2014/245-260 and by Sh. Indu Shekhar Mishra, the then Special RCS vide order no. Spl.RCS/Coop/Exp/2017/157-185 dated 10.03.2017 on the grounds that there are many infirmity (defects) in the process adopted by the society while considering expulsion proceedings and raising demand from the members. At that time, society had approved layout plan for three types of flats i.e 17 of 1 BHK flats, 116 of 2 BHK flats and option for the category of flat was not obtained by society from the members. It is also not known as to how they started construction without having approved layout plan from the competent authority i.e DDA.

Keeping in view of all the submission the society has directed to start the construction as per the demands of the members only. As the majority of the members are willing to construct one type of flats only at the rate of rupees 1450/ per square feet and that sample flat will also be constructed at the rate of Rs.1450/- sq ft. And that the request of some of the members who desire the construction of flats @ Rs.1750 will also be considered. In the GBM dated

26.03.2017 it was decided that, other than those, who opted for construction @ Rs.1750, the rest will be provided with the flat having construction @ Rs.1450. The same must be honoured by the society.

Hence case filed by the applicant society i.e Maharishi Dayanand CGHS Ltd. B-4, Vasant Kunj, (Adjoining B-5 & 6 DDA Flats), New Delhi-110070 against expulsion of the membership of the members of the said society is dismissed and Assistant Registrar is directed to expedite the process of inquiry/inspection U/s 61 of DCS Act, 2003 and Rules 2007 as early as possible.

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, Maharishi Dayanand CGHS Ltd. B-4, Vasant Kunj, (Adjoining B-5 & 6 DDA Flats), New Delhi-110070.
2. Sh. Vikram Singh, Membership No. 4, BA-64-B, Janak Puri, New Delhi-110058.
3. Sh. Devender Kumar, Membership No. 11, C-394/1349, Mohan Gali Nanak Chand Basti Kotla Mubarak Pur New Delhi-110003.
4. Sh. Dinesh Vir, Membership No. 17, 55/2, Munirka Village Behind Gurudwara Post-Jun, New Delhi-110067.
5. Sh. Uma Shankar/Sh. Vipin Chander, Membership No. 22, F-2, Tower no.15, Type III, Kidwai Nagar New Dellhi-110023.
6. Smt. Meenu Rathee, Membership No. 40, House No-50 Pkt-9 Sector-22, Rohini New Delhi-110085.
7. Sh. Vikas Panchal, Membership No. 48, 31-D, Pkt-3, Mayur Vihar Phase-1, New Delhi-91.
8. Smt. Lily Chen, Membership No. 55, B-207, Vasant Kunj Enclave New Delhi-110070.
9. Sh. Anil Kumar Mittal, Membership No. 72, R/o H.No. 407-D, Gali No-5, Govind Puri, Kalkaji, New Delhi-110019.
10. Sh. Kewal Krishan Mittal, Membership No. 77, R/o H.No 407-D, Gali No-5, Govind Puri, Kalkaji New Delhi-110019.
11. Sh. Nayan Singh Balyan, Membership No. 79, R/o H.No. J-281/22, Kartar Nagar Gali No.9, New Delhi-110053.
12. Sh. Gulshan Manchanda, Membership No. 89, R/o H.No. C-6/27 B, Keshav Puram New Delhi-110035.
13. Smt. Seeta Taulia, Membership No. 102, R/o H.No. B-2/501, Satyam Apartment, Vasundhra Enclave Delhi-110096.
14. Sh. Om Prakash, Membership No. 119, R/o H.No. 775C, Poket Jg2 Vikas Puri New Delhi-110018.
15. Smt. Mona Bhandari, Membership No. 148, R/o H.No. C-18, Bijli Appt. C-Block, Gujranwala Town, Delhi-110009.
16. Sh. Ankur Arora and Sh. Ankush Arora, Membership No. 151, R/o H.No. C-4/17, 2nd Floor, SDA, New Delhi-110016.
17. Sh. Sidharth Raj Arora, Membership No. 152, R/o H.No.8-13 South Patel Nagar New Delhi-110008.

18. Sh. Kapil Mahendiratta, Membership No. 153, R+/o H.No. B-11, Rana Pratap Bagh Delhi-110007.
19. Sh. Baljeet Singh Bharel, Membership No. 154, H.No.A-9, Town No.9, Type-II, Kidwai Nagar East, South West Delhi-110023.
20. Smt. Kirti Singh, Membership No. 164, R/o H.No. I-13, CISR Scientist Appartment, Maharani Bagh, New Delhi-110065.
21. Sh. Harendra Kumar, Membership No. 165, R/o H.No. RZ-706 B/2 Sadh Nagar Gali No-17, Palam Colony New Delhi-110045.
22. Sh. Tapasvi Singh Yadav, Membership No. 171, R/o H.No. B-5/6 Flat No-4570, Vasant Kunj New Delhi-110070.
23. Sh. Om Pal Singh, Membership No. 175, R/o H.No. I-13, CSIR Scientist Appartment Maharani Bagh New Delhi-110065
24. Sh. Munish Sudan, Membership No. 195, R/o Flat No.5, Belur Heights Plot No-1, Sector-18A, Dwarka, New Delhi-110075.
25. Smt. Sushma Sharma, Membership No. 201, R/o 7/142, Lodhi Colony New Delhi-110003.
26. Assistant Registrar (Section-4).
27. Computer for uploading.
28. Guard file.



(Ranjeet Singh)

Additional Registrar Cooperative Societies