

# OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES

GOVERNMENT OF NCT OF DELHI

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

F.No./Housing/Sec-5/107630225/2020/ 213-216

Dated: ~~25-10~~ 2021

In the matter of: -

The President/Secretary,  
New Priyadarshni Apartments,  
Sector-V/19, Dwarka, Ph.-1, New Delhi-110075

.....Applicant

Versus

Sh. B.K. Pandey

.....Respondent

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

This order shall dispose of the application dated 04.12.2020 made by applicant society, bearing this office Diary No.32960 dated 10.12.2020.

The applicant society, made an application to this office for approving the proposal of expulsion of respondent under DCS Act and Rules, resolved by the Managing Committee, on the ground that said member is involved in certain activities which are detrimental to the interest of the society. The applicant society issued three expulsion notices to the member on 20.07.2020, 10.09.2020 and 10.10.2020 and respondent has received notices and in pursuance to the served notice the respondent has filed the reply to the society on 05.08.2020, and 07.10.2020 but Managing Committee was unsatisfied with the reply given by the respondent and on 10.11.2020 Managing Committee unanimously decided and resolved to expel respondent 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.

Following hearing dated 02.02.2021, 12.02.2021, 06.04.2021, 22.07.2021 heard by the then Additional Registrar Sh. Ranjeet Singh, before his court applicant society represented by Sh. J.C. Vashista, Advocate and respondent was present in person. Advocate for the counsel has submitted that the respondent is persistent defaulter and always agitates people not to make payment for their dues and always agitates members against the Managing Committee. In this furtherance respondent has denied the allegation and submitted that society always refuse to provide information whenever asked by him and since three years no SGBM has held and presently Administrator is working in the society.

Accordingly notice also been served to the Administrator to appear before the court of undersigned on 24.09.2021.

During hearing on 24.09.2021 respondent and Sh. Prahalad Singh, Administrator for the society were present in person. Sh. B.K. Pandey, respondent has submitted that during Covid-19 lockdown a watsapp group was activated by him for communicating with society members

*Sh. B.K. Pandey*  
22/11/21

182/00  
28/10/21

and society has made hue and cry among the society members that respondent is involved in certain activities which are detrimental to the interest of the society and he was expelled from the membership. Further he has also filed a copy of news item published in 15<sup>th</sup> July 2021 Times of India news paper which is title as " WhatsApp Msgs have no evidential values".

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 involved in such activities which are against the society and the respondent is defaulter of society dues. In this furtherance it is pertinent to mention here that society did not supply any ledger of society which proved member is defaulter and in case of any issue/grievance each & every individual is free to make any group for exchanging one's views or to communicate with others.

Also society did not follow the rule of 99 of DCS Rules 2007 wherein "The cooperative housing society may in accordance with provision of sub section (1) of Section 86, expel a member. However, before passing a resolution for expulsion of the member, the committee shall have to deliberate the case of expulsion in the committee's meeting and shall have to approve the proposal for issue of notice for the expulsion of a member setting out therein full details of the grounds with supporting documents in all at least three registered notices shall be served on the concerned member with an opportunity to defend his case in writing and also in person to the committee. Each notice should be served on the concerned member with an interval of thirty days. After the expiry of thirty days period of the final notice, the committee shall consider the reply, if any, received from the concerned member in its meeting and three-fourths of the members of the committee present and entitled to vote at the meeting shall approve the proposal for expulsion and pass a resolution.

After going through the facts of the case, the record available in case file, I am of the considered view that the society did not place any documents which may prove that society had followed the rule of 99 of DCS Rules 2007 and thus it will not be appropriate to approve the proposal of expulsion of respondent from membership. Therefore the request made by the applicant society for approving the proposal of expulsion of respondent namely Sh. B.K. Pandey, from membership of New Priyadarshni Cooperative Group Housing Society is quashed and set aside.

The case is disposed off, accordingly.

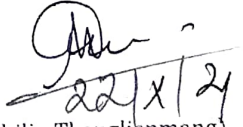
The case file be sent to the concerned Assistant Registrar Cooperative Society / Section to keep the same on record.

  
(Dr.T. Philip Thanglienmang)

Special Registrar Cooperative Societies

To

1. Sh. B.K. Pandey, R/o New Priyadarshni Apartments, Flat No. 180, Plot No. 19, Sector-5, Dwarka, New Delhi-110075.
2. Sh. Prhalad Singh, Administrator (Retd., Senior Account), RZ-25/E/10A, Gali no. 10, Indera Park, Palam Colony New Delhi-110075.
3. Guard file.
- ✓ 4. Computer cell.

  
(Dr.T. Philip Thanglienmang)

Special Registrar Cooperative Societies