

**THE COURT OF THE ADDL. REGISTRAR COOPERATIVE SOCIETIES
GOVT. OF NCT OF DELHI, OLD COURT BUILDING
PARLIAMENT STREET, NEW DELHI -110001**

F. No.AR/Bkg/C.D.No.107396657/2020-21/2752-2755 Dated: 05/8/2021

ORDER

This order shall dispose off the proceedings initiated vide Show Cause Notices issued u/s 66(2) of DCS Act, 2003 dated 30.03.2021 and 22.06.2021 to the members of the Managing Committee of 2012-15 and 2015-18 of Shree Agrasen Cooperative T/C Society Ltd.

Whereas the proceedings were initiated on the basis of a complaint dated 08.07.16 made by Sh. Balraj Singhal & Ors. alleging various financial irregularities and mismanagement committed by the previous Managing Committees, which was forwarded to President/Secretary of The Shree Agrasen Co-operative Urban T/C/Society Ltd.

Thereafter, the President of the said Society submitted reply on 14.08.16. The same was considered by the Competent Authority and approved for a fit case for conducting inspection u/s 61(1) of DCS Act 2003. A Notice u/s 61 of DCS Act, 2003 vide F.No.AR/Bkg/ 2016/144-45 dated 27.09.16 was issued thereby giving an opportunity of personal hearing to both parties. After having heard both the parties it was decided by the Competent Authority to conduct an inspection u/s 61 of DCS Act, 2003. Vide this office order No.AR/Bkg/ 2016-17/120-23 dated 14.03.2017, Sh. Navneet Singh, Sr.AO Delhi Police, GNCTD was appointed as Inspection Officer to conduct an inspection u/s 61 of DCS Act 2003.

Whereas, Sh. Navneet Singh, Sr. AO/Inspection Officer submitted his inspection report dated 08.08.2017 wherein he had observed some financial embezzlement in the society. The said inspection report was duly considered by the Competent Authority and as per Section 61(4) of DCS Act, 2003 the Inspection Report was forwarded to the President of the society as well as the complainant for their comments vide letter dated 28.08.2017. The

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Society submitted its reply/comments on 07.09.2017, and after consideration of the same, Registrar Cooperative Societies had approved the matter for conducting Inquiry u/s 62 of DCS Act 2003.

Whereas, Sh. Ajay Chagti, Jt. Secy. was appointed as the Inquiry Officer to conduct Inquiry u/s 62 of the DCS Act 2003 vide order dated 30/10/2017. The Inquiry Officer after conducting inquiry u/s 62 submitted his report on 04/12/2018 wherein most of the charges were proved as alleged in the original complaint dated 08.07.16 made by Sh. Balraj Singhal & Ors. The report was considered by the Competent Authority and after consideration of the same, Registrar Cooperative Societies had approved for conducting Inquiry u/s 66(1) of DCS Act 2003.

And whereas, in exercise of powers vested u/s 66 of DCS Act 2003, the Registrar Cooperative Societies was pleased to appoint Sh. B.S. Thakur, Dy. Registrar (Banking) as Inquiry Officer to conduct Inquiry u/s 66(1) of DCS Act 2003 on the complaint made by Sh. Balraj Singhal & Ors. The Inquiry Officer, after conducting inquiry u/s 66 (1), submitted his report dated 22/09/2020 to this office. The same was considered by the Competent Authority and approved for further action u/s 66(2) of DCS Act 2003.

Whereas, a Show Cause Notice dated 30.03.2021 was issued to the Managing Committee (2012-2015 & 2015-18) thereby giving an opportunity of personal hearing on 13.04.2021 to explain as to why proceedings u/s 66(2) of DCS Act, 2003 should not be initiated against them for recovery of the fraud/misappropriation etc.

Whereas during proceedings held on 13.04.2021 Sh. Yash Mittal, advocate for the claimant society and Sh. S.K. Sharma, Advocate for respondents Sh. Ravi Prakash Kharakia and Sh. Om Prakash Kharakia. Sh. Anand Choudhary, Advocate for respondents Sh. Sunil Kumar and Sunil Garg were present. Further, two respondents viz. Sh. Pawan Kumar Goel and Sh. Deepak Garg were present in-person. Further, replies on behalf of eight noticees/respondents were taken on record and the same was supplied to the concerned society for counter reply. The case was adjourned to

04.05.2021 for further hearing but the proceedings u/s 66(2) of DCS Act, 2003 could not be conducted on 04.05.2021 due to lockdown imposed by the government in view of second Covid-19 pandemic wave.

Whereas, after lockdown, vide Show Cause Notice F.No.AR/BKG/C.D. NO. 107396657/2020/2509 dated 22.06.2021 issued u/s 66(2) of DCS Act, 2003 an opportunity of personal hearing was again provided to the Management Committee (2012-15 & 2015-18) wherein hearing was fixed for 15.07.2021.

Whereas, in the meantime a writ petition bearing WPC No. 6348/2021 titled as 'Shree Agarsen Cooperative T/C Society Vs. Registrar Cooperative Societies' was filed before the Hon'ble High Court of Delhi therein praying to issue directions to the answering respondent to expedite the proceedings u/s 66(2) of DCS Act, 2003 in the said matter.

Whereas, during the proceedings held on 15.07.2021, the replies on behalf of five more noticees/respondents were taken on record and it was informed by presenting noticees that two noticees u/s 66(2) viz. Sh. Shyam Bihari and Sh. Gajanand Aggarwal have expired. Further, Sh. S.K. Sharma, main counsel representing two of the noticees/ respondents viz. Sh. Ravi Prakash Kharakia and Sh. Om Prakash Kharakia was not available for hearing. Rest of the presenting noticees/respondents were heard. Further, the case was listed for 27.07.2021.

Whereas, during the proceedings held on 27.07.2021, Anil Kumar, Advocate appearing for the appellant and Sh. S.K. Sharma, Advocate for respondents were present wherein Sh. S.K. Sharma, Advocate sought time to file reply on behalf of the respondents. The undersigned was pleased to grant one week time i.e. upto 03.08.2021 to file the reply and further directed to that the case will be decided on the basis of documents/material available on record. Thereafter, Sh. S.K. Sharma, Advocate submitted his reply dated 27.07.2021 on 02.08.2021 on behalf of the respondents.

Whereas, Sh. B.S. Thakur, Inquiry Officer u/s 66(1) of DCS Act, 2003 submitted his report in two parts as the alleged misconduct occurred in two

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different tenures of the Managing Committee of the said society i.e. 2012-15 and 2015-18.

Whereas, Inquiry Officer u/s 66(1) of DCS Act, 2003 in Part I of his report dated 22.09.2020 observed that a loss of Rs 39,500/- (thirty nine thousand five hundred only) has been caused to the society and this loss has to be made good by the members of the Managing Committee (2012-15) along with interest i.e. from 22.07.2014 to the date of payment and they cannot evade their responsibilities. Therefore, members of the Managing Committee (2012-15) are responsible for having caused the loss to the society and it will be fair and equitable that an **interest @ 10% may also be imposed on the amount of Rs 39,500/-** (thirty nine thousand five hundred only) for the intervening period of loss.

Whereas, Inquiry Officer u/s 66(1) of DCS Act, 2003 in Part II of his report dated 22.09.2020 also observed that based on the valuation report dated 24.07.2020 submitted by the Architect and expenditure incurred by the then Managing Committee (2015-2018) on civil & renovation work in the premises of the society during the period 2015-18, there exist a difference of Rs 14,62,103/- (Fourteen lakh sixty two thousand one hundred three only) between expenditure incurred and the valuation report and in his opinion the **sum of Rs 14,62,103/-** is recoverable from the erstwhile members of the Managing Committee (2015-18).

Whereas show cause notices dated 30.03.2021 were issued to all individual members of Managing Committee of 2012-15 and 2015-18 wherein individual members were called to appear before the Addl. RCS/Inquiry Officer u/s 66(2) of DCS Act, 2003. But the notice dated 30.03.2021 could not be served upon to one member i.e. Sh. Hari Narayan Singhal (Vice President) due to his hospitalization on account of Covid-19. However, a reply on behalf of Sh. Hari Narayan Singhal (Vice President) has been received in this office on 14.06.2021. Further, two respondents viz. Sh. Shyam Bihari (Lal) and Sh. Gajanand Aggarwal who have already expired, were also not served upon any notice.

Now after having considered the inquiry report dated 22.09.2020 conducted u/s 66(1) of DCS Act, 2003 as well as relevant

documentary evidence received in this office and keeping in view of submissions and request made by the appearing members as well as non-submission/non-appearance of some members in response of issued notice, the undersigned is of the considered view that there cannot be a conclusion other than holding the then members of the Managing Committee (2012-15) of the Shree Agarsen Coop. Urban T/C Society Ltd. are responsible for having caused the loss of Rs 39,500/- (thirty nine thousand five hundred only) to the society and this loss of Rs 39,500/- (thirty nine thousand five hundred only) has to be made good by the members of the Managing Committee (2012-15) along with interest of 10% p.a. i.e. from 22.07.2014 to the date of payment.

Further, the undersigned is also of the considered view that the then members of the Managing Committee (2015-18) of the Shree Agarsen Coop. Urban T/C Society Ltd. are responsible for having caused the loss of Rs 14,62,103/- (Fourteen lakh sixty two thousand one hundred three only) to the society.

Whereas, Sh. Deepak Garg, member of the Managing Committee (2012-15) has been exempted from this order because his election was set aside as noted in DCT award dated 12.02.2013. Further, Sh. Rajesh Kumar, member of the Managing Committee (2015-18) has been also been exempted from this order because his election was declared invalid and he did not attend any proceedings, this fact has been acknowledged by the advocate of the respondent during proceedings u/s 66(1) of DCS Act, 2003. Also, Sh. Shyam Bihari (Lal) and Sh. Gajanand Aggarwal have also been exempted from this order as they have already expired.

Accordingly, I hold the members of the Managing Committee for the year 2012-15 (as per annexed list) jointly or severally responsible for re-payment of Rs 39,500/- (thirty nine thousand five hundred only) along with interest of 10% p.a. i.e. from 22.07.2014 to the date of payment. Further, I also hold the members of the Managing Committee for the year 2015-18 (as per annexed list) jointly or severally responsible for re-payment of Rs 14,62,103/- (Fourteen lakh sixty two thousand one hundred three only) to the society within ninety days from the date of issue of this order failing



which the said amount with interest shall be recovered by the Assistant Registrar (Banking) as arrears of land revenue in terms of provisions u/s 66(3) of the DCS Act, 2003.

Hence, the members of the managing committee during the period of 2012 to 2015, the details of which are given herein under are jointly and severally liable for the interest @ 10% p.a. for the loss of Rs. 39,500/- (thirty nine thousand five hundred only) alongwith interest thereon @ 10% p.a. w.e.f. 22.07.2014 till the date of payment is made to the society within ninety days from the date of issue of this order failing which the said amount with interest shall be recovered by the Assistant Registrar (Banking) as arrears of land revenue in terms of provisions u/s 66(3) of the DCS Act, 2003. :-

S.No.	Name	Post
i)	Sh. Ravi Prakash Kharakia	President
ii)	Sh. Radha Kishan	Sr. Vice President
iii)	Sh. Ganesh Garg	Vice President
iv)	Sh. Harnarain Singhal	Vice President
v)	Sh. Harnarain Goel	General Secretary
vi)	Smt. Kavita Aggarwal	Treasurer
vii)	Sh. Sunil Kumar Goel	Secretary
viii)	Smt. Sarita Gupta	Joint Treasurer
ix)	Sh. Anil Kumar Bansal	Joint Secretary
x)	Sh. Pawan Goel	Member Managing Committee
xi)	Sh. Ram Prakash Singhal	Member Managing Committee
xii)	Smt. Neetu Singhal	Lady Member Managing Committee
xiii)	Sh. Raj Kumar Goel	Member Managing Committee
xiv)	Sh. Ashok Aggarwal	Member Managing Committee
xv)	Sh. Hari Ram Garg	Member Managing Committee
xvi)	Sh. Umesh Goel	Member Managing Committee
xvii)	Sh. Deepak Kumar Singhal	Member Managing Committee

With regard to the loss of Rs. 14,62,103/- as caused to the society the members of the managing committee of the Society during the period of 2015 to 2018, the details of which are as under, are jointly and severally liable jointly or severally responsible for re-payment of Rs 14,62,103/- (Fourteen lakh sixty two thousand one hundred three only) to the society within ninety days from the date of issue of this order failing which the said

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amount with interest shall be recovered by the Assistant Registrar (Banking) as arrears of land revenue in terms of provisions u/s 66(3) of the DCS Act, 2003.

i)	Sh. Om Prakash Kharakia	President
ii)	Sh. Devki Nandan Aggarwal	Sr. Vice President
iii)	Smt. Anita Devi	Vice President
iv)	Sh. Vijay Jindal	Vice President
v)	Sh. Umesh Jindal	General Secretary
vi)	Sh. Ghanshyam Dass Gupta	Treasurer
vii)	Smt. Anju Goel	Secretary
viii)	Sh. Anand Kumar Goel	Joint Secretary
ix)	Smt. Suman Jindal	Lady Member Managing Committee
x)	Sh. Brij Mohan Goel	Member Managing Committee
xi)	Sh. Manoj Kumar Singhal	Member Managing Committee
xii)	Sh. Pawan Kumar Singhal	Member Managing Committee
xiii)	Sh. Rajesh Gupta	Member Managing Committee
xiv)	Sh. Rajesh Kr. Gupta	Member Managing Committee
xv)	Sh. Sanjay Singhal	Member Managing Committee
xvi)	Sh. Shiv Kumar Bansal	Member Managing Committee
xvii)	Sh. Subhash Garg	Member Managing Committee
xviii)	Sh. Sunil Garg	Member Managing Committee
xix)	Sh. Vinod Kumar Gupta	Member Managing Committee
xx)	Sh. Amit Gupta	Member Managing Committee



(RANJEET SINGH)

Addl. Registrar Cooperative Societies

To

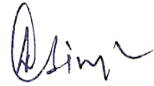
The entire Managing Committee (2012-2015 & 2015-2018) through The President/Secretary, The Shree Agrasen Co-op Urban T/C Society, 10/13 Jai Dev Park, New Delhi -26 (as per above mentioned table)

F. No.AR/Bkg/C.D.No.107396657/2020/2752-2755 Dated: 05/8/21

Copy to: -

1. The President/Secretary, Shree Agrasen Co-op Urban T/C Society, 10/13 Jai Dev Park, New Delhi -26
2. PS to Secy.-cum-RCS
3. AR(Banking)
4. Guard File

(5) AR(Computer Cell)
for uploading
on website.



(RANJEET SINGH)

Addl. Registrar Cooperative Societies

