

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

Dated: 09/11/2021

F.No.107282982/RCS/SEC-IV/2017/1478-1482

In the matter of:-

Sh. S.K. Aggarwal

VERSUS

Smt. Emi Kakati

In reg: Milan Vihar CGHS Ltd.

.....Complainant

.....Respondent

ORDER

This order shall dispose of the proceedings initiated against Smt. Emi Kakati W/o late Sh. R.P. Kakati, initiated vide Show cause notice dated 02.01.2018 under section 41 of DCS Act, 2003.

A complaint has been received from Sh. S.K. Aggarwal, wherein the complainant has alleged that Sh. R.P. Kakati (expired on 14.06.1998) had during his lifetime transferred his membership before allotment by executing a registered will and GPA to one Smt. Bimla Rajdan out of first degree blood relation in contravention of Sections of DCS Act, 2003 and Rules, 2007.

Whereas, vide order dated 13.04.2016, the then RCS had approved the transfer of membership in favour of Mrs. Emi Kakati widow of late Sh. Ravinder Prasad Kakati (M. No. 438) as she is the legal heir of Late Sh. R.P. Kakati and other legal heirs had given relinquishment of their rights in favour of their mother, Mrs. Emi Kakati.

Whereas, in response of SCN dated 02.01.2018 u/s 41 of DCS Act, 2003, Mrs. Emi Kakati submitted that her late husband Sh. R.P. Kakati had membership no. 438 in the Milan Vihar CGHS Ltd. However, he expired before the allotment of flats took place. Subsequently, the society transferred the membership to her after submission of requisite documents by her i.e. death certificate, affidavits, indemnity bond and no objection certificate from the other legal heirs. These documents have been sent by the society to this office for approval and same had been granted. It is also submitted by her that the documents required under Schedule-VII of DCS Rules, 2007 have been submitted number of times by her in the last 17 years and she had also come for personal verification for the allotment process, but till date no allotment has been made to her.


Mrs. Emi Kakati also submitted that being a housewife her husband never shared details of any property transactions with her, and she had no knowledge of the content of the complaint and she is the legal heir for this membership. Smt. Emi Kakati further submitted that after demise of her husband Sh. R.P. Kakati she had shifted to Assam and it is not possible for her to come to Delhi on frequent basis. Mrs. Emi Kakati also provided her new address of Assam. Thereafter, the notices were sent to her at both address i.e. of Delhi as well as of Assam but, she did not appear in any of the hearing only an intimation has been received from her daughter on 10.04.2018 that she is ill and cannot appear on that specific day. Thereafter neither any personal appearance has been made by her nor has any intimation been received from her regarding the same.

Whereas, Sh. S.K. Aggarwal has submitted that Late Sh. R.P. Kakati had sold his membership to Smt. Bimla Rajdan out of first degree blood relation and all the payments was done by Mrs. Bimla Rajdan to the society. He had also enclosed the below mentioned documents:



1. Will dated 26.02.1997 of late Sh. R.P. Kakati if favour of Mrs. Bimla Rajdan.
2. Statutory Notice dated 29.05.2009 by Sh. H. L. Dasi, advocate for Mrs. Bimla Rajdan wherein he had informed that late Sh. R.P. Kakati had executed a will dated 26.02.1997 registered with the Sub-Registrar Delhi on the same date under number 9109, Volume 3, Serial no. 1776 on page no. 133 in favour of my client. On the same day late Sh. R.P. Kakati had also executed GPA in favour of my client which is registered with the sub-registrar Delhi on the same date under number 5801/5802/5981, volume 4 Serial no. 4061 on page no. 154-159. Sh. R.P. Kakati was not able to pay the entire cost of the flat of the society. The said amount of Rs. 7 lacs as demanded by the society from time to time was deposited by my client out of her own bank account on behalf of Sh. R.P. Kakati. The Advocate also submitted that LR's of deceased Sh. R.P. Kakati were/are fully aware of about the registered Will/GPA etc. executed by deceased Sh. R.P. Kakati in favour of my client and have executed separate affidavits dated 15.05.2000 in favour of my client acknowledging the fact of the Will and payment of Rs. 7 lakhs by my client to the society. He also submitted that LR's of Late Sh. R.P. Kakati specifically mentioned in their affidavits dated 15.05.2000 that my client was exclusively entitled to hold and possess the HIG flat which late Sh. R.P. Kakati was entitled to.
3. Copy of affidavit dated 15.05.2000 of Mrs. Emi Kakati W/o late Sh. R.P. Kakati in favour of Mrs. Bimla Rajdan.
4. Copy of affidavit dated 15.05.2000 of Ms. Alpana Kakati D/o late Sh. R.P. Kakati in favour of Mrs. Bimla Rajdan.
5. Copy of affidavit dated 15.05.2000 of Mr. Rathindra Prasad Kakati S/o late Sh. R.P. Kakati in favour of Mrs. Bimla Rajdan.
6. Copy of affidavit dated 15.05.2000 of Ms. Anjali Kakati D/o late Sh. R.P. Kakati in favour of Mrs. Bimla Rajdan.

In view of the submissions made by both the parties and on perusal of the records, I am of the considered view that late Sh. R.P. Kakati had during his lifetime transferred the membership to Mrs. Bimla Rajdan out of first degree blood relation before allotment of flat, by registering a Will and GPA in her favour which is a violation of DCS Act, 2003 and DCS Rules, 2007. Hence, in exercise of the power conferred on me U/s 41 of DCS Act, 2003 the membership of late Sh. R.P. Kakati is liable to be ceased and any other subsequent transfer of the membership is also liable to be quashed.


 (DEVINDER SINGH)
 SECY. (COOP.)-CUM-RCS
 Dated: 09/11/2021

F.No.107282982/RCS/SEC-IV/2017/1478 -1462

Sent to:-

1. President/Secretary, Milan Vihar CGHS Ltd., Plot No. 72, I.P.Extension, Delhi-110092.
2. Sh. S.K. Aggarwal and Sh. Vipul Aggarwal, 151-A, Pocket-IV, Mayur Vihar Phase-1, Delhi-110091.
3. Smt. Emi Kakati, 205-B, Pocket-B, Mayur Vihar, Phase-II, Delhi-110092 and House No. 290, Jatia, Kahilipara Road, Guwahati, Assam-781006.
4. Assistant Registrar Cooperative Societies (Section-4) O/o RCS.
5. Incharge Computer Cell to upload the order on the website of the Department.


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