

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

F.47/ARH/811/U/s-91/Sec-3/RCS/2020/Appeal-21/ 1647-48

Dated: 21/01/2021

IN THE MATTER OF

Sh. Rama Shankar,
Flat no. A-101, First Floor,
Hum Sub CGHS Ltd.,
Plot No. 14, Sec-4, Dwarka,
New Delhi-110078

.....Appellant

Versus

President/Secretary
Hum Sub CGHS Ltd.,
Plot No. 14, Sec-4, Dwarka,
New Delhi-110078

.....Respondent

ORDER

By this order, I shall dispose of the appeal filed u/s 91 of DCS Act, 2003 by Sh. Rama Shankar, Appellant against the Respondent Society regarding non transfer of membership to him. The Appellant vide appeal dt. 03.03.2020 stated that he has purchased a freehold Flat no. A-101 in the Respondent Society from Ms. Alike Khosla D/o Late Sh. Rajender Pal Khosla on 14.10.2019. As per the appeal, Managing Committee was intimated about sale deed and was requested to transfer the membership & share certificate on 10.11.2019 in favour of Sh. Rama Shankar, Appellant but the Respondent Society expressed inability to offer any relief quoting Section 79(a) of DCS Act, 2003 which reads as follows:

"79. Subject to the provisions of this Act, in the case of a co-operative housing society, no transfer of share or interest of a member or the occupancy right, except the transfer to his heir or a nominee, shall be effective, unless –

*(a) the previous permission of the co-operative housing society has been obtained * by the transferor;"*

The Respondent Society informed that previous permission of the Respondent Society has not been obtained by the transferor and stated that it would be against DCS Act & Rules and Bye-laws.

During the hearing on 03.11.2020, the Authorised Representative/Sh. Pradeep Kumar, Manager of Respondent Society informed that nothing is due against Ms. Alike Khosla. In my opinion, the provision for obtaining NOC is to ensure that nothing is due from the transferor. It was observed and directed during hearing that Respondent Society at its

level could issue NOC for transfer of membership after condonation of delay in submitting request for the same instead of referring the case to O/o Registrar Co-operative Societies for clarification/direction subject to correctness of the rest of the requisite documents for the purpose. The Appellant has appeared before the undersigned on 20.01.2021 during the public dealing hours and submitted that the Respondent Society has not yet complied with the directions given during the hearing on 03.11.2020.

In view of the above mentioned facts and documents placed on record, keeping in view that nothing is due against the transferor and under given conditions the Appellant should not suffer due to just late submission of application/request by transferor for grant of NOC. Therefore, I hereby direct the Respondent Society to condone the delay in submission of application/request for grant of NOC by the transferor and transfer the membership in favour of the Appellant within two weeks of the issue of this order. Further the Respondent Society is also directed to extend full support and cooperation to the Appellant in completing rest of the formalities, if any, as per DCS Act, 2003 & DCS Rules, 2007.

The appeal is disposed of accordingly.

The case file may be returned to Housing Sec-3 for future reference and record.

P.R. Tripathi
(P.R. TRIPATHI)
Jt. Registrar
P.R. TRIPTAHI
Jt. Registrar
Dated: 21/1/21

F.47/ARH/811/U/s-91/Sec-3/RCS/2020/Appeal-21/
Copy to:-

1. AR(Section-3), Registrar Cooperative Societies, Parliament Street, New Delhi.
2. AR/AD (Computer Cell), Registrar Cooperative Societies, Parliament Street, New Delhi,
for uploading on the website of the RCS.

P.R. Tripathi
(P.R. TRIPATHI)
Jt. Registrar
P.R. TRIPTAHI
Jt. Registrar
21/1/21