

Uplevel.

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

F.47/AR/GH/RCS 2019/ u/s-91/Appeal-15/1678 - 1681

Dated: 28.01.21

IN THE MATTER OF:

Smt. Suraksha Luthra
Flat No.48, Jai Laxmi CGHS,
59, Patparganj Extension
Delhi - 110 092

.....Appellant

Versus

The President/Secretary,
Jai Laxmi CGHS Ltd.,
59, Patparganj Extension
Delhi - 110 092

.....Respondent

ORDER

This order shall dispose of the appeal dated 27.5.2019 filed under Section 91 of DCS Act. 2003 by Smt. Suraksha Luthra against the President/Secretary of Jai Laxmi CGHS Ltd.

The appeal has been filed by the Appellant against the Jai Laxmi CGHS Ltd. for non transferring the membership in favour of the Appellant. The Appellant has stated in the appeal that she had purchased a flat no. 48 from Sh. Naresh Chand Jain, Original Allottee of the flat of society and the Sale Deed got executed with the Sub Registrar-VIII A, Preet Vihar on 16.11.2018. She filed an application for the transfer of membership in Form 20 to the society on 25.2.2019 alongwith the other documents i.e. Affidavit, Draft of Rs. 610/- in favour of Jai Laxmi CGHS Ltd, Copy of Sale Deed and copy of Share certificate of Sh. N. C. Jain and Cheque of Rs.35,000/- in favour of Jai Laxmi CGHS Ltd as Entry Fee as demanded by the Society Management. The Society management did not take any action on her application and made excuses on one pretext or another to harass the appellant. The appellant has requested that the Society Management may be directed to transfer the membership in her name and refund the amount of Rs.35,000/- the so called entry fee.

Notices were issued to the parties. During hearing the President of the respondent society stated that the appellant has not withdrawn illegal /invalid notarized undertaking which was filed by the appellant alongwith her application for membership. The President of the respondent Society submitted that it was the decision of the General Body of the society to take an amount of Rs.35,000/- as Development Charges from the person who acquires a flat in the society in view of the dire need of funds for running the day to day affairs of the society at that initial stage. The appellant has argued that the undertaking for which the

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respondent society is pressing hard is not a requirement as per DCS Act and Rules for transfer of membership. The appellant further submitted that membership has been given to 33 members (23 members on 29.5.2020 and 10 members on 25.9.2020) during the lockdown/unlock phase/period. The appellant has further mentioned that all the documents as per section 91 have been submitted to the society but the society has deliberately not granted her membership since she has raised the issue of Entry Fee in her present appeal. During the hearing on 4.1.2021, Smt. Suraksha Luthra, Appellant filed a copy of letter dated 28.12.2020 sent by the President of the respondent Society to the Registrar Cooperative Societies regarding submission of documents for transfer of membership in r/o Smt. Suraksha Luthra for the approval/intimation. It was not clear as to why the society has forwarded the said letter when the appeal in this regard was heard by the undersigned. A summon/notice dated 12.1.2021 for hearing on 21.1.2021 was sent to the respondent society with the direction that the President /Secretary shall be present in person on the said date of hearing to clarify the position with the complete facts and set of documents but none was present on behalf of the respondent society on 21.1.2021.

In view of the above mentioned facts and documents placed on records I am of the considered view that the conditions mentioned u/s 91 of the DCS Act, 2003 are fulfilled by the Appellant and hence as per law and in the interest of justice the membership of the society in respect of the flat no.48 requires to be transferred to the Appellant as per the provisions u/s 91 of the DCS Act, 2003.

I hereby order the respondent society to transfer the membership in favour of the Appellant within three weeks of the issue of this order.

The appeal is disposed of accordingly.


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


(P.R. TRIPATHI)
28/1/21

Jt. Registrar/Appellate Authority

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)
28/1/21

Jt. Registrar/Appellate Authority

Joint Registrar

O/o Registrar Co-operative Societies
Govt. of N.C.T. of Delhi.
Old Court Building, Parliament Street
New Delhi-110001