

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES
GOVERNMENT OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI – 110 001

F.No.47/ARH/Sec-2/u/s-115/RCS/2019/2242-43

Dated: 22/02/2020

IN THE MATTER OF:

The President/Secretary,
Central Govt. Services Co-operative Land & Group.,
Housing Society Ltd., 667 Vikas Kunj,
Vikas Puri, New Delhi-110018

.....Appellant

Versus

1. Sh. Piyush Jain,
S/o Sh. Sushil Kumar Jain,
2. Sh. Sushil Kumar Jain,
S/o Late Sh. Dewan Chand Jain
R/o GG-III/5, Vikas Puri, New Delhi-110018

....Respondent no.1

.....Respondent no.2

ORDER U/s 115 OF DCS ACT 2003

This order shall dispose of the appeal filed under Section 115 of DCS Act, 2003 by the President/Secretary of Central Govt. Services Cooperative Land & Group Housing Society Ltd dated 21.10.20 against the order no. F.No.47/ARH/Sec-II/u/s-91/RCS/2020/1882-84 dated 08.10.2020.

The appeal has been filed by the President/Secretary of Central Govt. Services Cooperative Land & Group Housing Society's against the order dated 08.10.2020 wherein society was directed to transfer of the membership in favour of the respondent. In their appeal society requested to recall the Order dated 08.10.2020 passed under rule 92 & 104 of DCS Rules, 2007 as respondent no.2 has referred various documents including the Agreement to sell as well as Power of Attorney Vide which Sh. Sushil Kumar Jain respondent no.2 had sold the flat No.488, Vikas Kunj to his Son Namely Sh. Piyush Jain, appellant No.1 and himself therefore, he lost his entitlement in law to claim to any right whatsoever in respect of aforesaid flat No. 488.

Accordingly, notices were issued and hearing were held through Video

The applicant society has submitted that respondents have not approached with clean hands and have made an attempt to mislead the O/o Addl. RCS and respondents are not even clear about their entitlement to get membership and they have referred Section 91 and also Rule 92 of DCS Rules, 2007 to get membership and when all 3 sons of Late Sh. D.C. Jain prayed for including their name as members, how could the membership can be granted only Sh. Sushil Kumar Jain and as he has already sold his rights by executing registered agreement to sell and power of attorney, therefore he cannot take resort to Rule 92.

In this furtherance and as records available in the case file it is seen that Smt. Shanti Devi Jain W/o Late Sh. Dewan Chand Jain R/o GG-III/5, Vikas Puri, New Delhi-110018 original member of the said flat has appointed, nominated, constituted and authorized to his Son Sh. Sushil Kumar Jain S/o Late Sh. Dewan Chand through Special Power of Attorney dated 01.10.2018 which 2nd para of SPA specifically provides that "Whereas I hereby authorise my aforesaid Special Power of Attorney, to sell of my above mentioned property, in favour my intending purchaser's in case of the sale is not complete then he can release/relinquish the above sale deed/agreement to sell/GPA and Relinquishment Deed and to get the same registered in the office of the Sub-Registrar concerned, under his own signature on my behalf and to all acts, deeds and things which are necessary for the same" that by the aforesaid registered SPA the respondent Sh. Sushil Kumar Jain was/is fully authorized by the member and owner of flat 488 in the society, either to sell to the intending purchaser/s or to release relinquish the above property in his own name to sell the same in the future. Sh.Sushil Kumar Jain was/is authorized to sign the documents with his own signature on her behalf and to present the said documents before the Sub-Registrar concerned. Moreover, the signature of the respondent No.2 as attorney/agent of original member/owner and presentation of the documents are in conformity of Section 32 (c) of Registration Act, 1908 and also as per terms of aforesaid registered SPA dated 01.10.2018 with Sub-Registrar Bhind(MP).

Further it is also seen that as the respondent no.2 Sh. Sushil Kumar Jain, has worked as SPA holder who sold his flat to respondent no.2 and himself vide Registered SPA dated 01.10.2018, therefore he has right to apply for grant of membership U/s 91 of DCS Act 2003.

I hereby order the claimant society to transfer the Joint Membership in favour of the respondent Sh. Piyush Jain (Respondent No.1) Sh. Sushil Kumar Jain (Respondent No.2) within two weeks of the issue of this order after charging the applicable transfer fee as per the Section-91 of the DCS Act, 2003 and Rules 2007.

Hence the review appeal disposed off accordingly.



(Ranjeet Singh)

Additional Registrar Cooperative Societies