

OFFICE OF THE JOINT REGISTRAR
REGISTRAR COOPERATIVE SOCIETIES, GOVT. OF NCT OF DELHI
ROOM NO. 24, OLD COURT BUILDING, PARLIAMENT STREET
NEW DELHI-110001

F.JRCS/U/s-91/Appeal-05/2020/1956-57

Dated: 22/02/2021

IN THE MATTER OF

Sh. Jagdish Garg
NS-19, III Floor
Mianwali Nagar
New Delhi-110087

.....Appellant

Versus

The President/Secretary,
The Mianwali District CHBS Ltd.,
Mianwali Nagar, Rohtak Road,
New Delhi-110087.

.....Respondent

ORDER

This order shall dispose of the appeal filed under Section 91 of DCS Act, 2003 by Sh. Jagdish Garg dated 29.08.2019 against the President/Secretary, The Mianwali District CHBS Ltd.

The appeal has been filed by the Appellant against The Mianwali District CHBS Ltd. for non transferring the membership in favour of the Appellant. The Appellant has stated in the appeal that he had purchased Top Floor No. N.S 19 in the The Mianwali District CHBS Ltd from previous owner Smt. Herika Narang W/o Sh. Manan Narang through instrument of Registered Sale Deed dated 26th July 2017 and which is duly registered before the office of Sub-Registrar-IIA, Punjabi Bagh, New Delhi and he had filed an application dated 03.10.2018 along with the other documents i.e. Form 20, Form 21, Indemnity Bond, Cheque dated 03.10.2018 (in r/o Transfer Fee, Share Money & Admission Fee), NOC in r/o his wife, property tax receipt and electricity bill to the respondent society for the transfer of membership as per DCS Act 2003 and DCS Rules 2007. Notices were issued for 06.11.2019, 19.11.2019, 03.12.2019, 19.12.2019, 24.02.2020, 05.03.2020, 12.11.2020, 15.12.2020 & 27.01.2021. Many opportunities have been provided to Respondent Society but the society has consistently failed to appear on the aforesaid dates except on ----- the day on which the copy of appeal was handed over to the Secretary of



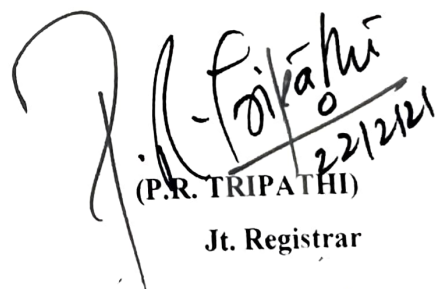
the Respondent Society. It also implies that Respondent Society has no ground to refuse the membership to the Appellant.

In view of the above mentioned facts and documents placed on record, I am of the considered view that the conditions mentioned u/s 91 of the DCS Act, 2003 & DCS Rules 2007 are fulfilled by the Appellant and hence as per law and in the interest of justice the membership of the society requires to be transferred in respect of the Top Floor No. N.S 19 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. As the respondent society is a Cooperative House Building Society, hence the transfer fee may be charged as per the provisions under section 75 of DCS Act, 2003 as applicable in case of floors in Cooperative House Building Societies i.e. five thousand rupees and share money and admission fee as per provisions of the by-laws of the society. If transfer fee has already been deposited, no need to deposit it again.

The appeal is disposed of accordingly.

The case file may be returned to Housing Sec-4 for future reference and record.


(P.R. TRIPATHI)
Jt. Registrar

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

Copy to:-

1. AR (Section-4), 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.