

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

F.No.47/RCS/HB/Coop./1151-1155

Dated: 8/3/2021

In the matter of:-

SH. BHUPENDRA SINGH CHAUHAN
& SMT. ALKA SINGH
VERSUS
PANCHSHILA CHBS LTD.

.....COMPLAINANT

.....RESPONDENTS

ORDER

This order shall dispose of the proceedings initiated on the appeal under section 75 of DCS Act, 2003 filed by Sh. Bhupendra Singh Chauhan and Smt. Alka Singh against Panchshila CHBS Ltd. (herein after referred to as the said society).

Shri Bhupender Singh Chauhan and Smt. Alka Singh, appellants have filed this appeal U/s 75 of the Delhi Cooperative Societies Act, 2003 for refusal of the said Society to grant membership of the society to them.

Sh. Avdesh Kumar Advocate has been heard in detail. Perusal of the appeal memorandum reveals that the appellant had applied for the membership of the Society on the ground that they had purchased the rear basement portion (right hand side) of the property at plot No.S-196, Panchsheela Park, New Delhi-110017 in Panchshila Cooperative House Building Society. However, the application dated May 1st, 2015 of the applicant for the membership was rejected by the Society vide letter No.PCSC/182/2015 dated 01.06.2015 on the ground that as per the legal opinion obtained by the Society, the request for membership was rejected by the Managing Committee in the meeting held on 28.05.2015 vide resolution No.6309/15 as the appellants did not fulfil the requirement of membership u/s 75 of the Delhi Cooperative Societies Act, 2003.

I have heard the Ld. Counsel for the appellants and have also perused the documents annexed to the appeal memorandum and also the statutory provision Section 75 of the Delhi Cooperative Societies Act, 2003. As per the copy of the sale deed annexed to the appeal memorandum filed by the appellants, Shri B.S. Chauhan and Smt Alka Singh had purchased the portion of the basement measuring 25.02 Sq. Meter on the rear basement portion (right hand side) of the property at plot No.S-196, Panchsheela Park, New Delhi-110017 by total sale of Rs.53.50 Lakhs from the vendor viz Sh. Rajiv Shekhar S/o Sh. Ram Layak Singh. Also area of 27 Sq. Meter on the rear basement portion (right hand side) of the property at plot No.S-196, Panchsheela Park, New Delhi-110017 was received by Smt. Alka Singh (donee) as a gift from donor Sh. Rajeev Shekhar S/o Sh. Ram Layak Singh. A bare reading of the Section 75 of the DCS Act, 2003 shows that appellant has no rights to be admitted as a member.

Section 75 of the DCS Act, 2003 reads as follows:

"A Cooperative Group Housing Society shall not admit to its membership persons exceeding the number of dwelling units from the plots or plots as the case may be available for allotment in that Cooperative Housing Society"

Under proviso below Appeal Section 75 of DCS Act, 2003, an exemption has been provided in the following words:

"Provided that a cooperative house building society may admit to its membership more than the plots allotted in case the plot owner has constructed and sold floors, by charging transfer fee of five thousand rupees and share money and admission fee as per provisions of the by-laws of the society and in that case the committee shall grant membership within a period of thirty days after the submission of application for grant of membership by such applicant and in case of refusal

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by the committee, the applicant may appeal to the Registrar within thirty days of the refusal by the committee and the decision of the Registrar in such appeal shall be final.”

Apparently the property purchased by the appellants i.e. the portion of the rear side of the basement is not covered by the above proviso. Hence, I find no reason to interfere with the decision of the Managing Committee to refuse membership to the appellants. The appeal is, accordingly, dismissed on merits. Announced in open court.



(Devinder Singh)
Secy. (Coop.)-cum-RCS

Dated: 8/3/2021

F.No.47/RCS/HB/Coop./1151-1155

Copy to:-

1. The President/Secretary of Panchsila CHBS Ltd., Panchsila Club Building, Panchsheel Park, New Delhi-110017.
2. Sh. Bhupendra Singh Chauhan and Anr. S-196 Rear Basement (Right Hand Side), Panchshila Park, New Delhi-110017
&
Indus law firm, 4290-3, Ansari Road, New Delhi-110002.
3. ARCS (Housing Section-5) O/o RCS
4. In-charge Computer Cell for uploading the order on the website of the Department.