

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

F.JR-II/RCS/U/s/91/Appeal-26/2020/2039-41

Dated: 04/03/2021

IN THE MATTER OF

Mrs. Neeru Nagpal W/o Sh. A.K Nagpal
B-43, Antriksh Apartments
Sector-14 Extn. Rohini
New Delhi-110085

.....Appellant

Versus

The President/Secretary,
New Town CGHS Ltd.
B Block stilt, Plot No. D-3,
Sector-14 Extn. Rohini
New Delhi-110085

.....Respondent

ORDER

This order shall dispose of the appeal filed under Section 91 of DCS Act, 2003 by Mrs. Neeru Nagpal dated 19.10.2020 against the President/Secretary, New Town CGHS Ltd.

The appeal has been filed by the Appellant against New Town CGHS Ltd. for non transferring the membership in favour of the Appellant. The Appellant has stated in her appeal that she had purchased Flat no. B-43 in New Town CGHS Ltd. from previous owner Sh. Surender Pal Sigh S/o Late Sh. Harnam Singh through instrument of Conveyance Deed dated 15th May 2000 and which is duly registered before the office of Sub-Registrar-VI, Delhi and she had filed an application dated 25.02.2018 along with the other documents i.e. Form 20, Form 21, and a Cheque (in r/o Transfer Fee, Share Money & Admission Fee) to the respondent society for the transfer of membership as per DCS Act 2003 and DCS Rules 2007. The Appellant has also stated in her appeal that the MC members responsible for the wilful continuing breach of the provisions of section 91 of DCS Act be convicted for the offence committed by them and impose a penalty of Rs. 10,000/- with a further fine of Rs. 100/- per day since 28.03.2018 under section 118(9). Notices were issued for 19.11.2020, 14.12.2020, 08.01.2021 & 21.01.2021. In all the aforesaid dates, the Appellant was represented by Sh. A.K Nagpal, husband of the Appellant. Reply was filed by the respondent society on 14.12.2020 stating therein that the Appellant has not paid the dues to the tune of Rs. 4,56,400/- including parking charges and maintenance charges since 2015 onwards with interest @12% and also stated that the Appellant is applying for the membership 20 years later from the date of purchasing the flat. Rejoinder to the reply was filed by the Appellant on 08.01.2021 inter-alia stating therein that the respondent society has not taken the defence that there was any deficiency in the documents submitted by the applicant on 25.02.2018.

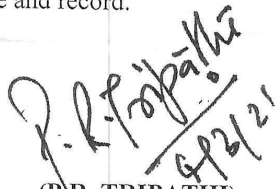
P.R. TRIPATHI
Joint Registrar
O/o Registrar, Cooperative Societies
Govt. of N.C.T. of Delhi,
Old Court Building, Parliament Street
New Delhi-110001

Respondent society filed copies of 03 judgements on 29.01.2021 but on perusal of the said judgements it has been observed that these judgements are not relevant to the instant appeal. It has also been observed that the grounds taken by the respondent society in its reply dated 14.12.2020 are vague in respect of the instant appeal and can be dealt separately under the relevant provisions of the DCS Act, 2003 and it 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 Flat no. B-43 to the Appellant as per the provisions u/s 91 of the DCS Act, 2003. As regards the penalty under section 118(9), it is not under the purview/prerogative of the undersigned and an application can be filed with the competent authority for the same as per 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 after charging the due transfer fee for the membership, if already deposited no need to deposit it again.

The case file may be returned to Housing Sec-5 for future reference and record.


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

Dated: 04/03/2021

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1. AR (Section-5), 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.