

*“No carelessness until there is a cure Wear mask,
follow physical distancing & maintain hand hygiene”.*

PUBLIC GRIEVANCES COMMISSION

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

M-Block , I.P. Estate (near ITO) Vikas Bhawan: New Delhi-2

Order under Para 2(B) of the PGC Resolution No. F.4/14/94-AR/dt. 25.9.97

Date of hearing: 09.06.2022

Complainant : Smt. Neeru Nagpal.
Respondent : The Registrar,
Department of Cooperative Societies,
Govt. of NCT of Delhi.
Through Sh. Naresh Kumar, Sr. Assistant,
O/o RCS – Present.
Grievance No. : PGC/2020/A.II/RCS/06

1. Brief Facts of the Case

1. The complainant Smt. Neeru Nagpal has filed a grievance petition in the Commission on 28.07.2020 aggrieved by the inaction of the RCS office on the following points:
 - (i) To direct Managing Committee of the society to grant membership of Society to the complainant without any further delay
 - (ii) To debar the responsible members from contesting elections of the Managing Committee for a period of 6 years

1. To ascertain from records of RCS/Society's office as to whether the Society is adhering to the below stated requirements and maintaining/timely furnishing desired Statements and Returns to the O/o the RCS:-

1. Annual filing of returns as per Section 32 of DCS Act, 2003.
2. Conducting of annual audit of its accounts as per Section 60 of DCS Act, 2003.
3. Maintaining of accounts and books as per Section 69 of DCS Act, 2003 and Rule 39 of DCS Rules, 2007.
4. Maintaining of registration file as per Rule 14 of DCS Rules, 2007.
5. Furnishing annual Statements and Returns as per Rule 42 of DCS Rules, 2007.

2. Facts emerged during the proceedings

- 2.1 Sh. Naresh Kumar, Sr. Assistant filed status report dated 01.06.2022 on behalf of Sh. Sanjay Jha, Asstt. Registrar (Housing Section-5), Office of RCS, and the same is taken on record stating that:

“The request/grievance of complainant for action against the society as per Section 118(9), 118(10) and 121(2) of DCS Act, 2003 for delay in grant of membership to Ms. Neeru Nagpal were submitted before the Worthy RCS. The Worthy RCS has directed that the complaint/PUC may be forwarded to current Administrator-cum-Returning Officer to take necessary action on the issues in the said PUCs. Copy of relevant noting portion from P-220/N to 227/N of the file is enclosed.

As per the direction, complaints of Ms. Neeru Nagpal has been forwarded to the Administrator-cum-Returning Officer of New Town CGHS Ltd. with the approval of the Worthy RCS vide this office letter no.F.47/316/RCG/GH/Sec-5/2022/263-265 dated 02.05.2022 and a copy of the same has also been endorsed to Advocate Ms. Neeru Nagpal (complainant). A copy of the said letter is also enclosed.

Further, it is also pertinent to mention here that the Administrator-cum-Returning Officer has conducted the election in the said Society on 15.05.2022 and the new Managing Committee has been formed.”

- 2.2 The complainant's husband/representative Sh. A.K. Nagpal was not present in the hearing. However, he has submitted telephonically that the RCS office has been misleading the Commission and has been non responsive on his grievances while taking superficial action of forwarding complaint to the Administrator-cum-Returning Officer of New Town CGHS Ltd. for conducting election in the said Society. Further, while his primary grievance regarding grant of membership of the Society has been resolved, there are other grievances not redressed by the RCS office till date, which are as under:-

1. In terms of the provisions of Section 118(9) of the DCS Act 2003, convict the Managing Committee members responsible for the willful breach of the provisions of Section 91 of the DCS Act, 2003, for the offence committed by them and making them liable jointly and severally for a penalty of Rs.Ten Thousand, with a further fine of Rs.One Hundred per day w.e.f. 28.03.2018, till the date of grant of membership to the applicant and compensate the applicant.
2. To debar the responsible members from contesting elections of the Managing Committee for a period of 6 years, in terms of the provisions of Section 118(10) of the DCS Act, 2003.

The complainant's husband/representative further stated that he can go to Court for execution of the order for grant of membership under Section 121 (2) of DCS Act, 2003. Section 121 (2) of DCS Act, 2003 is reproduced as under:

Cognizance of offences.

121. (2) *No prosecution shall be instituted under this Act without the previous sanction of the Registrar and such sanction shall not be given unless the person concerned has been provided a reasonable opportunity to represent his case."*

However, the complainant's husband/representative stated that the Registrar has to first conduct inquiry under Rule 158 of DCS Rules, 2007 before granting sanction for prosecution under sub-section (2) of section 121 of the act. Section 158 of DCS Act, 2003, is reproduced as under:

158. *Before granting sanction for prosecution under sub-section (2) of section 121 of the act the Registrar shall, conduct an inquiry by himself or through police or any other investigating agency which shall seek sanction for prosecution of the person/persons against whom action is being proposed under section 118.*

3. Directions

- 3.1 The complainant's primary grievance regarding grant of membership of the said Society has been resolved by the Office of Registrar, Cooperative Societies, GNCT of Delhi. Further, the complainant has other grievances i.e.,
- (i) In terms of the provisions of Section 118(9) of the DCS Act 2003, convict the Managing Committee members responsible for the willful breach of the provisions of Section 91 of the DCS Act, 2003, for the offence committed by them and making them liable jointly and severally for a penalty of Rs.Ten Thousand, with a further fine of Rs.One Hundred per day w.e.f. 28.03.2018, till the date of grant of membership to the applicant and compensate the applicant.
- (ii) To debar the responsible members from contesting elections of the Managing Committee for a period of 6 years, in terms of the provisions of Section 118(10) of the DCS Act, 2003 and other grievances as mentioned in para 2.2 of this order.
- 3.2 This Commission has no further role in resolving the above cited other grievances of the complainant and the complainant is free to approach other appropriate forums for redressal of her grievance.
- 3.3 With these directions, the case is disposed of in the Commission.

(MADHU SHARAN)
MEMBER

No. PGC/2020/A.II/RCS/06

Dated:

1. The Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. Shri Sanjay Jha, Asstt. Registrar (Sec.-5), Office of RCS, Parliament Street, Old Court's Building, Parliament Street, New Delhi-110001.
3. Smt. Neeru Nagpal