

OFFICE OF THE SPECIAL REGISTRAR COOPERATIVE SOCIETIES

GOVERNMENT OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI - 110 001

No.107584039/u/s-61/2020/ 550-554

Dated: 03/01/2022.

In the matter of:

Sh. Chander Prakash Mishra,
Flat No. 38, Plot No. 110,
Vrindavan Apartments,
I.P. Extension New Delhi-110031

.....Complainant

Versus

The President/Secretary,
Kaymesh CGHS Ltd.,
Geeta Apartments, Block 17,
Geeta Colony, Delhi-110031

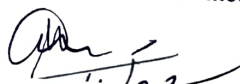
.....Respondent

ORDER

This order shall dispose of the representation received from OSD to Minister SC/ST, GNCT of Delhi alongwith complaint of Shri Chander Prakash Mishra r/o Kaymes CGHS Ltd. R/o Flat no. 38, Plot No.110, Vrindavan Apartment, I.P. Extension, New Delhi-110092 regarding undue demand by the Management Committee.

Sh. C.P. Mishra complainant has mentioned that he has filed a complaint on 16.05.2017 RCS office regarding inappropriate and illegal demand by the Managing Committee and the same complaint/representation was forwarded to the President/Secretary, Kaymes CGHS Ltd., vide this office letter no. F.107279262/Sec-IV/RCS/277 dated 07.06.2017 with the direction to give their comments within 10 days. In reply to the said complaint the Secretary of the society has submitted that "On going through various provisions of DCS Act & Rules for creation maintenance and utilization & replacement fund, building maintenance fund, prior permission of General Body is necessary, it is very much clear. Any revision in maintenance charges has to be made as a part of budget provision with the approval of General Body. Furthermore, going into peculiar circumstances and complexity of management of our society divided into two different locations of complexes, we understand that a lapse has occurred by not taking General Body approvals in taking decisions regarding monthly maintenance charges, raising funds for repair of water tank." Further Complainant stated that MC has not followed the legal procedure and demanding the undue money and imposed a penalty on him and the services stopped by the MC despite payment of maintenance charges by him. Again he wrote a letter on 11.05.2018 to the MC and the services has been reinstated on 11.09.2018. The society again demanded the maintenance for the period for which the services were not provided to him and imposed a penalty @ 15 % p.a., no information has been provided to him that in which General Body Meeting the same has been decided and the society has not provided any information regarding audit reports for the last few years as demanded by him.

Accordingly complaints was forwarded to the society for reply/comments and accordingly comments received wherein the society stated that "General Body Meeting of residents of our society (Vrindavan Apartment) was called on 01.09.2019, as per agenda dated 25.08.2019 to discuss and solve all such issues as raised by Sh. C.P.Mishra and other residents. But it is regretted that Mr. Mishra chose not to attend the meeting which lasted for



2 hours wherein deliberations were held on issues related with residents of Vrindavan Apartments, Sh. C.P. Mishra, apparently is oblivious to various legal requirements which mandate a cooperative group housing society e.g. it is mandatory to have the whole building complex of a group housing society insured. All other issues raised by Sh. Mishra are by product of complexity arising out of the fact that our Society comprises of two housing complex -and the reason behind it being run successfully this far is our mutual cooperation". They had stated that the said complaints have sent with malafide intentions being vague and baseless; hence these may be closed on merit.

Accordingly after approval of Worthy RCS matter was examined and proceeding U/s 61 of DCS Act 2003, has been initiated and notices were issued to the concerned parties.

Following hearing dated 09.11.2020, 29.12.2020, 27.01.2021, 12.03.2021 are heard by the then Additional Registrar Sh. Ranjeet Singh before his court complainant was present in person and respondent society was represented by Sh. S.K. Sharma, Advocate. Counsel of the respondent society has submitted that he is unable to file the reply as complainant did not clear on which point the complainant want to initiate the inquiry and accordingly directions were given to the complainant to file their points wise allegation.

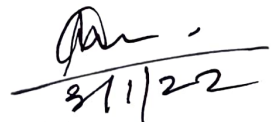
Due to Covid Pandemic and the then Additional Registrar has been transferred and relieved then again fresh notice has been issued to appear before the court of undersigned on 30.11.2021 alongwith the direction "to file their points wise allegation on which complainant wants to initiate the process of inquiry U/s 61 of DCS Act 2003 against the society".

During hearing on 30.11.2021 submission of complainant is heard and again it is found that complainant was unable to file any satisfactory reply why he wants to initiate inquiry and U/s 61 of DCS Act 2003 against the Society. It is also seen that the than Additional Registrar Sh. Ranjeet Singh has also given the direction to complainant to file a justified reply over which the O/o RCS shall initiate the process of inquiry/inspection but complaint was failed to file reply.

After going through the case file and documents available therein, I am of the Considered View that complainant has mixed various documents and allegation levelled by him is not clear and the allegations are not supported by documentary evidence and do not compel the society to undergo the process of Inquiry/Inspection. Therefore the proceeding Under Section 61 is hereby dropped. Hence appeal is dismissed.

The case is disposed off, accordingly.

The case file be sent to the concerned Assistant Registrar Cooperative Society / Section to keep the same on record.



(Dr. T. Philip Thanglienmang)
Special Registrar Cooperative Societies

Copy to :

1. The Assistant Registrar (S-4), O/o Registrar Cooperative Societies Old Court Building Parliament Street New Delhi-110001.
2. Guard file.
3. Computer Cell for uploading the order on Website.