

**OFFICE OF THE SPECIAL REGISTRAR COOPERATIVE SOCIETIES**

GOVERNMENT OF NCT OF DELHI

OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI - 110 001

No. F47./AR/Sec-6/H/RCS/2020/579-580

Dated : 4-1-22

In the matter of :-

Smt. Meenakshi

Progressive Enclave CGHS Ltd.

3606, Plot No.3, Sector-03

Astha Kunj, Dwarka New Delhi-110078

.....Complainant

Versus

The President/ Secretary,

Progressive Enclave CGHS Ltd.,

Plot No.03, Sector-03

Astha Kunj, Dwarka New Delhi-110078

.....Respondent

**ORDER U/S 61 OF DCS ACT, 2003**

This office has received a presentation dated 07/10/2020 from Smt. Meenakshi a member/resident of Progressive Enclave CGHS Ltd., regarding misappropriation of funds in construction of rain water Harvesting Pits with rain water pipes & Chambers etc., by the Management Committee of Society.

Complaints alleges the following points:-

1. The Management of the society lingered deliberately because of the society election and charged penalty from the members for many months.
2. The advertisement for tender for construction of rain water Harvesting pits with rain water pipes & Chamber etc. was published in newspaper on 13/01/2020 in which they quoted 3.5 lakhs as total cost, they hide the cost in public notice (5.5 lakhs) and public notice (3.5 lakhs)
3. They finalized the deal themselves and never bother to take the consent of all society members for any work and whenever asked, they reply to ask through RTI as they are not bound to answers anybody

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*[Signature]*  
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4. They never display the monthly expenditure report on the notice board and their deals are not transparent in any financial matter.
5. Whenever asked for any query regarding any financial matters, they always create a hostile environment in the society office.


Complaint has requested this office to conduct an inquiry and look into this matter to check misappropriation of funds and all financial records for better financial transparency and for the benefits of society members in public interest.

After approval the matter was examined and proceedings were initiated under Section 61 of DCS Act, 2003. Accordingly, notices were issued to all the concerned for providing opportunity.

Hearings dated 08.02.2021, 15.03.2021, heard by the then Additional Registrar Sh. Ranjeet Singh, before his court respondent society was represented by Sh. A.K. Dhar, Secretary and Sh. Sumit Ghosh, president and applicant was present in person. Oral arguments of both the parties heard and their respective written reply were also obtained and placed in case file and on 30.11.2021 hearing was conducted before the undersigned.

During hearing on 30.11.2021 Applicant was present in person and respondent society was represented by Sh. Adarsh Tiwari and Sh. Ayush Sharma, Advocates they have filed reply which is taken on record. The society has submitted their reply as are under:-

1. It is submitted that every year there is an inspection by Delhi Jal Board for rain water harvesting. However, vide their letter dated 18.07.2019 DJB pointed out the rain water system was not adequate. It was found that the existing system of 13 Cu.m. size was not adequate and action had to taken to make the rain water harvesting adequate by increasing the size of 63 cu., as per area of the roofs of the society. Accordingly, the MC invited the eight empanelled service providers approved by DJB which was available on their web site. Some of the service providers visited the site and advised that the present system may not be useful and even rectification of existing system may not be feasible and would also be expensive. Accordingly, quotations were submitted by three service providers. It was further noticed that the convenience system from all the three resident blocks would also need to be established from M/s Ishika Enviro for pit and laying was found to be lowest one. However, some of the members advised that tendersing process may be adopted since the work was of high value to the tune of Rs. 10 lakhs. During the Annual General Body Meeting held on 22.12.2019, it was suggested that a member from each of the three resident blocks may be

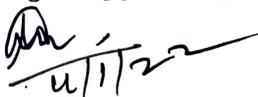
  
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involved in carrying forward the work is respect of rain water harvesting. The House approved the names of Shri J.S. Audhkasi, Manoj Gupta and Ms Meenakshi (the complainant herein) to associate with the MC for taking further action in the matter. It is submitted that the AGM also approved the proposal of incurring the expenditure on account of rain water harvesting from the Corpus Fund being received from the Members and that the members were not to be charged separately for the rain water harvesting work.

2. It is denied that after many months the tender notice was issued. It is submitted that the tender notice was issued on 12.01.2020 that is less than a month after the AGM dated 22.12.2019.
3. It is submitted that the cost of Rs 3.5 laks was only an estimated cost as suggested by the Sub-Committee and MC. It is submitted that open tenders were invited for the project and opened in the presence of all the members of the Sub-Committee and MC. It is further submitted that Ms Meenakshi has affixed her signatures on all the relevant papers. It is, therefore, incorrect to state that the Society had themselves awarded to the lowest bidder L-1 M/s Star Construction for a total cost of Rs. 9,14,460/- which includes water harvesting pit cost of Rs. 6,16,260/- and pipe lines cost of Rs. 2,98,200/-.
4. It is submitted that the contents of the para are wrong and denied. It is submitted that as is clear from the preceding paragraphs, the consent of all the stakeholders have always been taken for the rain harvesting work.
5. It is submitted that the contents of the para are mischievous, wrong and denied. It is submitted that the averment made in the corresponding para have been made maliciously for reasons best known to the complaint. It is further submitted that the accounts of the society are regularly audited by the empanelled auditors of the RCS and that the necessary report is always submitted to the RCS within the stipulated time.

As per Section 61 of DCS Act 2003 "The Registrar may, on the request made by a creditor or, not less than one thirds of the members of the committee, or not less than one fifths of the total number of members, a co-operative society, undertake inspection of a co-operative society or class of cooperative societies by general or special order in writing and authorize any person order in writing in this behalf, to make an inspection into the constitution, working and financial condition of co-operative society".

"Provided that where a serious complaint is made by a member or a public servant in writing about the affairs of a Co-operative society or Committee or office bearers, to the Registrar or to any person authorized by him in this regard not below the rank of Joint Registrar and if the Registrar is prima-facie satisfied, after recording his views in writing and affording an opportunity to the person against

  
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whom complaint has been made, he may order an inspection in respect of only issue or issues as the case may be, raised in the complaint and the inspection shall be conducted by a person not below the rank of assistant registrar

After going through the case file and documents available therein, it is seen that complainant has not furnished sufficient proof/evidence of financial irregularities of the Managing Committee. The allegations are not supported by documentary evidence and do not compel the society to undergo the process of Inquiry/Inspection. Therefore the proceedings under Section 61 are hereby dropped. Hence the 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.

  
04/01/2022  
(Dr. T. Philip Thangliehmang)  
Special Registrar Cooperative Societies

Copy to:

1. AR (Section-6), O/o Registrar Cooperative Societies, Parliament Street New Delhi-110001.
2. Guard file.
3. Computer Cell for uploading at website.