

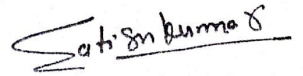
GOVT. OF N.C.T. OF DELHI
OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES,
PARLIAMENT STREET, OLD COURT BUILDING, NEW DELHI-01

F. No. 47/RCS/Policy/2010/Part File/

Dated:-

Sub: - Minutes of meeting of Rule 90 Committee held on 17.02.2022

I am directed to enclose herewith the copy of the minutes of Rule 90 Committee meeting held on 17.02.2022 for necessary action at your end. Intimation may also be sent to the concerned members individually.



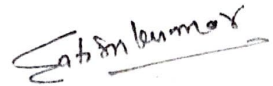
(SATISH KUMAR GUPTA)
ASST. REGISTRAR (POLICY)

F. No. 47/RCS/Policy/2010/Part File/ 60

Dated:- 20/4/22

Copy for necessary action to:-

1. P.S. to Registrar Cooperative Societies.
2. P.A. to Spl. Registrar Cooperative Societies.
3. Assistant Registrar (Section-3 & 4)
- ✓ 4. In-charge (Computer Cell) to upload the minutes dated 17.02.2022 on the RCS website.



(SATISH KUMAR GUPTA)
ASST. REGISTRAR (POLICY)

126/cc
20/4/22

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

MINUTES OF THE MEETING OF THE COMMITTEE OF RULE-90 HELD ON
 17/02/2022 AT 03:00 PM UNDER THE CHAIRMANSHIP OF SECRETARY
 (COOPERATION)

The following officers/members of the committee attended the meeting:

- | | | |
|-------|--|-------------|
| i). | Ms. Garima Gupta, Secretary | Chairperson |
| ii). | Sh. Devesh Singh, Registrar Cooperative Societies | Member |
| iii). | Dr. T. Philip Thanglienmang , Special Registrar | Member |
| iv). | Sh. Y.K Bhatti, Deputy Secretary, Finance Department | Member |
| v). | Sh. Arvind Jain, Deputy Secretary, Law Department | Member |


| S. No. | Name of the H/Society | Housing Section/Name of AR | Cases |
|--------|--|----------------------------|--|
| 1. | Agenda item No.1 Green Valley CGHS Ltd | Section-III | 1) Sh. Rohit Jha (M.S. No. 961) |
| 2. | Agenda item No.2 Karuna Vihar CGHS Ltd | Section-IV | 1) Sh. Suresh Chand Jain (M.S. No. 36) |

1. Green Valley CGHS Ltd. (Regn. No.588/GH).

Membership clearance case of Sh. Rohit Jha (Membership no. 961)

The Agenda was placed before the Rule 90 committee. Registrar Cooperative Societies apprised the Hon'ble Chairperson and Members of the Committee about the facts of the case.

The Green Valley CGHS Ltd. And M/s Gurcharan Singh entered into a contract in 14.09.1994 for construction of 220 dwelling units and certain, irreconcilable disputes arose between the Parties relating to the awarded contract, which resulted in the parties initiating arbitration proceedings before the L. Arbitrator, Dr. M-K. Sharma which culminated in the award dated 23.07.2014 being passed by the Arbitrator. The Respondent society challenged the award dated 23.07.2014 u/s 34 of the Arbitration and Conciliation act, 1996 before the Hon'ble Delhi High Court in



OMP No. 238/2018 titled Green Valley CGHS Ltd. Vs M/s Gurcharan Singh. During the pendency of the same, the Hon'ble Court vide its order dated 24.11.2017 referred the parties to the Mediation and Conciliation Centre for settling their disputes.

The Memorandum of settlement was arrived at between the parties. The said Settlement was accepted by Hon'ble Delhi High court vide order dated 13.09.2018.

An OMP No. 57/2021 was filed by the contractor M/s Gurcharan Singh against the Managing Committee of Green Valley Society for not complying the orders dated 13.09.2018 of Hon'ble High Court, Delhi for not giving the balanced amount of Rs. 1,050,0,000/- plus interest/allotment of a category IV 3 BHK Flat Bearing No. E-403 by the MC of the society. **The case was listed on 12.03.2021 and on the same date it was informed to the court by both the parties that RCS be made as PARTY and without approval of the RCS, flat cannot be allotted to the contractor M/s Gurcharan Singh or his nominee. 24.03.2021 passed by Hon'ble Court wherein the certain directions have been issued to the RCS Department, directing to approve the membership of the petitioner nominee within a period of two weeks therefrom.**

The Hon'ble High Court, Delhi vide order dated 06/07/2021 has directed that "The report dated 01st July, 2021 of learned Court Auctioneer is hereby accepted. Mr. Rohit Jha is declared as the successful bidder and his bid for Rs. 1,27,60,000/- is hereby accepted. Mr. Rohit Jha has already deposited 25% of the bid amount with the Registrar General of this Court on 2nd/ 3rd July, 2021. Let the balance bid amount be deposited by Mrs. Rohit Jha with Registrar General of this Court in terms of para 19 of the order dated 12th May, 2021.

On 24.01.2022 matter came up for hearing in the Hon'ble High Court. The relevant part of Hon'ble Court directions is as under.

"Any of the party has a legal right to challenge an order before the higher Forum, however, the steps for the said purpose are expected to be taken within a reasonable time. The fact of filing the Special Leave Petition(SLP) was not disclosed by Judgment No 2 when this matter came up for hearing on 09.08.2021 and rather, learned counsel appearing for it assured this court to grant necessary approval within to weeks. Thus, in this matter Judgment Debtor No. 2 has wasted precious time of this court. Even after lapse of more than eight months, no steps have been taken by Judgment Debtor No. 2 either to file SLP or to comply with the direction of this court. Accordingly, I hereby impose cost of RS.25,000/- upon Registrar of Co-operative Society for not complying with the order dated 09.08.2021 passed by this

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Court. Out of the said cost, Rs 5,000/- shall be recovered from the salary of Registrar of Cooperative Societies. "Order dated 24.01.2022".

Recommendation:-The matter was discussed at length in the meeting and it has been decided by the committee that since the SLP has already been filed in the Hon'ble Supreme Court against the order of High Court of Delhi dated 24.03.2021, 12.05.2021 and 24.01.2022 in OMP No. 57/2021, the department should wait for the outcome of SLP filed on 15.02.2022, there after the proposal may be placed before the Rule 90 Committee of for taking a decision in the matter.

2. Karuna Vihar CGHS Ltd.

Case of Shri Suresh Chand Jain (Membership No. 36).

The Karuna Vihar CGHS Ltd. (Regd. no. 1270/GH) is registered at , Plot No. 9, Sector-18A, Dwarka, New Delhi-110077, The Freeze strength of the society is 76 Members which was approved vide letter dated 16.09.1997 by this department. This is a society which has conducted self draw which was approved by the Hon'ble LG of Delhi vide order no F.47/86/RCS/Policy/2009/PF/519 dated 17/10/2011. Out of 76 members, 75 members had been sent to DDA for regularization by the office of RCS without Rule 90 Committee approval.

The Claimant Sh. Suresh Chand Jain is son of Late Sh. Mam Chand Rai Jain. In 2005 the officer of CBI approached Sh. Suresh Chand Jain and others for investigation whereupon the claimant came to know of the resignation of Lt. Sh Mam Chand Rai Jain from the society through CBI inquiry which was forged and illegal in its nature as confirmed by CBI and Government Examiner of Questioned Documents(GEQD)

The said letter of the resignation of Lt Sh. Mam Chand Rai Jain has never seen the light of the day and was not brought on the record by the society moreover the society had never followed laid down procedure for extension and approval of resignation by RCS.

Court of Arbitrator

The Claimant filed a claim petition under Sec 70/71 of DCS Act 2003 for restoration of membership of the deceased member Lt Sh. Mam Chand Rai Jain who is said to have died in 1998, the legal heir of Sh. Suresh Chand Jain conveyed to the CBI that the signature of the resignation letter is not of his late father Sh. Chand Rai Jain. The Arbitrator vide its order dated 15/02/2013 directed the society to restore the membership of Lt. Sh. Mam Chand Rai Jain to its original status and further he ordered the society to seek the name of the legal heir from claimants in whose name



the membership is to be transferred within a period of 15 days and the arbitrator also allowed the transfer of membership subject to payment of the cost of the flat.

Delhi Cooperative Tribunal

The aggrieved society appeal against the said order in the Hon'ble Court of Delhi Cooperative Tribunal (DCT) dated 16/05/2013.

The Hon'ble DCT after hearing the appeal case in detail, passed the order dated 20/02/2019 upheld the order passed by the Arbitrator stating that the impugned award does not suffer from illegality, infirmity or impropriety and therefore the appeal had no merit and is accordingly dismissed.

High Court of Delhi

The society being aggrieved filed a writ petition number W.P.C 4484/2019 in the Honourable High Court of Delhi. Finding no merit it was dismissed by double bench of the High Court of Delhi and vide its order dated 29/04/2019.

SLP IN THE SUPREME COURT OF INDIA

The Society being aggrieved filed special leave petition in an appeal no 18619/2019 (arising out of impugned final judgment or order dated 29/04/2019 passed by the High Court of Delhi at New Delhi) in the Supreme Court. Upon hearing the counsel, the Hon'ble Supreme Court of India dismissed the special leave petition on 23/09/2019

THE SOCIETY SUPERSEDED BY RCS FOR NOT IMPLEMENTING ARBITRATION AWARD dated 15/02/2013

Side by side the office of the RCS had taken notice of the Arbitration Award dated 15/02/2013 passed by Ld. Arbitrator in Arbitration case number 3829/ARB/2009-2010. Consequently RCS office vide letter dated 02/09/2013 and subsequently reminder dated 22/05/2015, 25/10/2016, 31/11/2016 had directed the President of the society to submit compliance report in respect of the above mentioned arbitration award giving specific reference to different prayers clause of the claim petition and also to submit documentary evidence compliance met by the society as per arbitration award. The society vide its reply dated 17/08/2016 submitted that it had filed appeal before the court of Delhi Cooperative Tribunal (DCT) vide order dated 16/05/2013. The Hon'ble DCT had not granted any stay of the award at the same time the society had also not implemented the award despite directions by the RCS in exercise of powers under section 37(1) of DCS Act 2003

asking the management in the society to explain us why it should not be superseded for not implementing the award dated 15/02/2013.

The society informed that it had gone for appeal against the arbitrator award before the court of DCT, as agreed upon by both the parties the proceedings under section 37(1) for on account of not implementation of the award was deferred on several dates awaiting orders of Honourable DCT, Hon'ble High Court of Delhi, and Hon'ble Supreme Court of India.

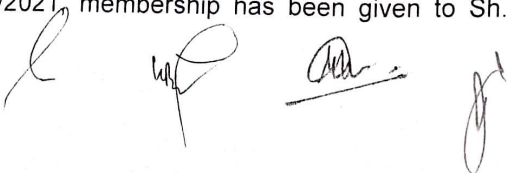
In spite of the Supreme Court order and the directive of the RCS the society submitted that it shall substitute the names of the legal heirs of the deceased Sh. Man Chand Rai Jain in the record of the membership of the society and the name of the legal heirs shall be kept in waiting list of the society as per rules and regulations of the society.

The worthy RCS in his suppression order dated 27/10/2020 F.000220525/ACC sec-IV/497/502 has stated that the claimant has an award in his favour which has been vetted right upto the Apex Court and has thus attained finality and the society has exhausted all the channels of appeal and redressal available to it under the law. It was further stated that the society has lost miserably at every forum including the Ld. Arbitrator, the DCT, the High Court of Delhi, and finally the Supreme Court of India, as none of them found merit in the baseless stand and irrelevant stand and averments/arguments of the society and it is left with no recourse now but now to comply the award failing which repercussions under the law must inevitably and inexorably follow. The worthy RCS found the submissions of the society not only mischievous but also contrary to the directives of the RCS order no F-F47/Veri/G/H/Coop/81 dated 22.02.1984 and further stating that the society was trying to misguide the court of RCS.

Therefore, in exercise of powers u/s 37(1) of the DCS Act, 2003, the Managing Committe of Karuna Vihar CGHS Ltd was superseded by RCS, with immediate effect vide its order no. F.000220525/Sec-IV/497/502 dated 27/10/2020 and further Sh. M.C Jha, Joint Director(Retd) Railways was appointed as the Administrator of the society.

MEMBERSHIP AND FLAT ALLOTMENT

Sh. M.C Jha the Admininstrator vide his letter no. KV/Administrator/2021/01 dated 05/06/2021 in ref to order no. F000220525 Sec-IV/RCS/301 dated 13.04.2021, had informed the AR(Sec IV) that in compliance with the order dated 27/10/2020 and 13/04/2021, membership has been given to Sh. Suresh Chand Jain and he has



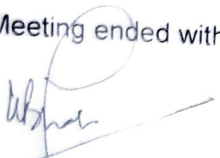
Deposited a sum of Rs. 18.50 lacs by DD NO. 100640 dated 03/06/2021 along with Ground Rent upto Dec 2020 amounting to Rs. 89403/-

Thus, the Administrator implemented the Award dated 15/02/2013 and he transferred membership no. 36 of his father late Sh. Mam Chand Rai Jain on 05/06/2021 and Schedule VII forwarded to the O/o RCS dated 02/09/2021.

The Agenda was placed before the Rule 90 Committee on 17/02/2021. Sh Surinder Narang ARCS(Sec IV) explain the case to Rule 90 Committee members, he told the Committee that the original documents are not provided by the society to ARCS Office and to complete this process of verifications he said that 3(three) months time period is required.

Recommendation:- The Chairperson observed that the case has been unnecessarily delayed for long and AR (Section-4) Sh. Surender Narang was directed to expedite the case and place before Rule 90 Committee within one month.

The Meeting ended with Thanks to the Chair.



(Y.K. Bhatti)
(Y.K. BHATTI)
Dy. Secretary/Member
Finance Deptt.



(Arvind Jain)
Dy. Secretary/Member
Law & Justice Deptt.



(Dr. T. Philip Thanglienmang)
Spl. RCS/Member



(Devesh Singh)
RCS/Member



(Garima Gupta)
Secretary (Cooperation)
Chairperson