

IN THE COURT THE SPECIAL REGISTRAR COOPERATIVE SOCIETIES
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001.

F.No.: Spl. RCS/US-66(2)/2022/1449-54

Dated.: 04/10/2022

IN THE MATTER OF:-

Anil Kumar Gaur
A-31/6 Main Road,
Maujpur, Delhi-110053

.....Petitioner

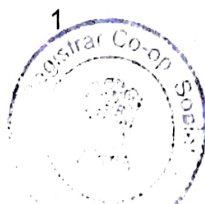
Versus

Ex-Board of Directors
Delhi Nagrik Sehkari Bank Ltd.,
(Through CEO of Delhi Nagrik Sehkari Bank Ltd.) and another
Misappropriation of funds for purposes of Diwali Gift

.....Respondents

ORDER

1. This order shall dispose off the proceedings under section 66(2) of DCS Act 2003 initiated pursuant to Inquiry Report dated 08.04.2019 under Section 66(1) of DCS Act 2003 submitted by Sh M C Jha, Inquiry Officer.
2. Sh Anil Kumar Gaur made a complaint on 13.10.2016 alleging misappropriation of funds by the Managing Committee of the Bank during period 2010-2013 while distributing gifts to its employees and dignitaries on the occasion of Diwali festival.
3. Vide order dated 20.04.2017 of Office of Registrar Cooperative Societies, Sh Gulshan Ahuja was appointed as Inspection Officer to conduct Inspection under section 61 of DCS Act 2003 who submitted Inspection Report dated 09.06.2017.
4. Pursuant to Inspection Report dated 09.06.2017, vide order dated 29.08.2017 of Office of Registrar Cooperative Societies, Sh P C Jain was appointed as Inquiry Officer to conduct Inquiry under section 66(1) of DCS Act 2003. A Show Cause Notice dated 04.09.2017 was issued by Sh P C Jain, Inquiry Officer pursuant to his appointment as Inquiry Officer.
5. Sh Krishan Kumar Mittal, one of the respondents, challenged before Hon'ble Financial Commissioner vide revision petition no.: 237/2017 titled as Krishan Kumar Mittal versus RCS and others the Order dated 29.08.2017 appointing Sh P C Jain as Inquiry Officer and subsequent Show Cause Notice dated 04.09.2017 issued by Sh P C Jain, the Inquiry Officer.




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6. Hon'ble Financial Commissioner vide order dated 14.09.2017 in the revision petition no.: 237/2017 passed the order: "*However, in the interest of justice, Ld. Inquiry Officer is hereby directed not to take any coercive action against the petitioner till the next date of hearing.*"
7. An Inquiry Report dated 15.12.2017 was submitted by the Inquiry Officer Sh P C Jain under the provisions of Section 66(1) of DCS Act 2003. On the basis of the Inquiry Report dated 15.12.2017 a Show Cause Notice 19.06.2018 was issued by the Office of Registrar Cooperative Societies under the provisions of Section 66(2) of DCS Act 2003.
8. Sh Krishan Kumar Mittal, one of the respondents, vide revision petition no.: 308/2018 titled as Krishan Kumar Mittal versus RCS and others challenged the Inquiry Report dated 15.12.2017 and Show Cause Notice dated 19.06.2018 before Hon'ble Financial Commissioner who passed the order dated 13.07.2018 which reads as :"*Stay is granted till the next date of hearing.*" *The stay was continued till the next date of hearing i.e. 27.07.2018.*
9. Sh Krishan Kumar Mittal, one of the respondents, also preferred a Contempt Petition no.: 233/2017 before Hon'ble Financial Commissioner against Sh P C Jain, Inquiry Officer and also against Registrar Cooperative Societies for issuing Inquiry Report dated 15.12.2017 and Show Cause Notice dated 19.06.2018 to him.
10. Vide order dated 14.02.2019 of Office of Registrar Cooperative Societies, Sh M C Jha was appointed as Inquiry Officer under the provisions of Section 66(1) of DCS Act 2003 who submitted his report dated 08.04.2019. Sh M C Jha, Inquiry Officer has also taken cognizance of the revision petition filed by Sh Krishan Kumar Mittal, one of the respondents, pending before Hon'ble Financial Commissioner.
11. Sh Krishan Kumar Mittal is one of the respondents against whom the initial complaint dated 13.10.2016 has been filed. There is nothing on record to show that the revision petition nos.: 237/2017 and 308/2018 have been disposed off. In view of both the revision petition pending before Hon'ble Financial Commissioner and in view of interim relief granted to him by Hon'ble Financial Commissioner in both the revision petitions, order of surcharge under section 66(2) of DCS Act 2003 cannot be ordered during the pendency of revision petitions before Hon'ble Financial Commissioner.
12. In view of the above, in the interest of natural justice and jurisprudence, order under section 66(2) of DCS Act 2003 cannot be passed. Hence, passing of order under section 66(2) of DCS Act 2003 is deferred till both the revision petition nos.: 237/2017 and 308/2018 filed by Sh Krishan Kumar Mittal, one of the respondents, pending before Hon'ble Financial Commissioner are finally decided.



13. After both the revision petitions pending before Hon'ble Financial Commissioner vide nos.:237/2017 and 308/2018 are finally decided, complainant is at liberty to move an appropriate application for order under section 66(2) of DCS Act 2003.


3/X/2022

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

Copy to:-

1. Sh Anil Kumar Gaur, A-31/6 Main Road, Maujpur, Delhi-110053
2. Ex-Board of Directors, Delhi Nagrik Sehkari Bank Ltd., (Through CEO of Delhi Nagrik Sehkari Bank Ltd.,) and another { Misappropriation of funds for purposes of Diwali Gift}

- i. Smt Krishna Khatri, Ex-Director
- ii. Smt Nirmala Devi, Ex-Director
- iii. Sh Deepak Sharma, Ex-Director
- iv. Sh Rajinder Singh Gupta, Ex-Director
- v. Sh Rajesh Kumar, Ex-Director
- vi. Sh Satbir Singh, Ex-Director
- vii. Sh Hari Prakash Garg, Ex-Director
- viii. Sh Jagdish Chander Bhardwaj, Ex-Director
- ix. Sh M K Bansal
- x. Sh K K Mittal
- xi. Sh Vinay Bhardwaj
- xii. Sh V N Sharma, Ex-Co-opted Director
- xiii. Sh Rajinder Singh Yadav, Ex-Director
- xiv. Sh Virendra Gupta, Ex-Co-opted Director
- xv. Sh P N Gupta, Ex-Co-opted Director
- xvi. Sh Jai Pal Singh, Ex-Director
- xvii. Sh Shri Bhagwan, Ex-Director
- xviii. Sh A P Sridhar, Ex-CEO

3. Sh Sadan Singh Yadav, WZ-542 Village and Post Officer Madipur, Delhi-110063

4. The CEO, Delhi Nagrik Sehkari Bank Ltd., 3C/5, opp. Liberty Cinema, New Rohtak Road, Deklhi-110005

5. AR(Banking)

6. In-charge (Computer Cell) for uploading on website




3/X/2022
(Dr. T. Philip Thanglienmang)
Special Registrar Cooperative Societies