

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.: SPI.RCS/US-66(2)/2022/1443-48

Dated.: 04/10/2022

IN THE MATTER OF:-

Sadan Singh Yadav,
WZ-542, Village and Post Office
Madipur
Delhi-110063

.....Petitioner

Versus

Ex-Board of Directors
Delhi Nagrik Sehkari Bank Ltd.,
(Through CEO of Delhi Nagrik Sehkari Bank Ltd.,) and another

.....Respondents

ORDER

1. This order shall dispose off the proceedings under section 66(2) of DCS Act 2003 initiated vide Notice dated 04.10.2018 pursuant to Report dated 31.05.2018 of a committee constituted by Registrar vide order dated 10.07.2017 regarding Non Performing Assets of the Bank "Delhi Nagrik Sehkari Ltd.," submitted by Sh B S Thakur, the then Deputy Registrar.
2. Sh Sadan Singh Yadav made a complaint on 16.07.2015 to Registrar Cooperative Societies alleging financial/administrative mis-management and irregularities in the Bank mainly consisting of Rising Trend of NPA, Total Dereliction of Duties on the part of the Board of Directors and senior most officers of the bank, rampant violation of certain code of conduct prescribed by RBI and misutilization of members fund in irrational manner.
3. Vide order dated 02.09.2015 of Registrar, Registrar Cooperative Societies, Sh P C Jain was appointed as Inquiry Officer to conduct Inquiry under section 62 of DCS Act 2003 on complaint dated 16.07.2015 of Sh Sadan Singh Yadav, the Inquiry Officer submitted Inquiry Report dated 08.10.2015.
4. Pursuant to Inquiry Report dated 08.10.2015, a Show Cause Notice dated 02.12.2015 was issued under section 66 of DCS Act 2003 by the then Registrar, Registrar Cooperative Societies. An order dated 10.07.2017 was passed by the then Registrar, Registrar Cooperative Societies under section 66(2) of DCS Act 2003 wherein it was directed that all the members of the loan sub-committee and the member of Board of Directors namely Sh Chand Prakash Bhardwaj, Sh Jai



Bhagwan, Sh Rajinder Gupta, Sh Jai Pal Singh, Sh A P Sridhar, Sh V N Sharma, Sh Rajinder Singh Yadav, Sh K K Mittal, Sh Virender Gupta, Sh M K Bansal, Smt Nirmala, Smt Krishna, Sh Rajender Gaur, Sh Shri Bhagwan and Sh P N Gupta who were responsible for sanctioning of loan to M/s Simka Hotels and Resorts Pvt Ltd., are liable to pay a compensation of Rs.50,000/- each to the bank in terms of provisions of section 66(2) of DCS Act 2003 within 30 days of the issue of the order.

5. It was further ordered in the order dated 10.07.2017 of the then Registrar that a committee headed by Deputy Registrar (Banking), Assistant Registrar (Recovery) and C.E.O. of Delhi State Cooperative Bank be constituted to examine the NPA's of Lajpat Nagar, Badarpur and Karawal Nagar branches of the bank for the period mentioned in the inquiry report dated 18.10.2015 submitted under section 62 of DCS Act 2003.
6. A report dated 31.05.2018 was submitted by the committee constituted by Registrar vide order dated 10.07.2017 which concluded that :- " An amount of Rs.16.62 crore is an NPA and an interest of Rs.9.50 crore is also recoverable on these NPA accounts. The loans mentioned are being considered non-recoverable and hence loss to the bank."
7. A review petition filed by Smt Nirmala Sharma, Ex-Director of the Bank against order dated 10.07.2017 of Registrar was dismissed vide order dated 29.06.2018 of the then Registrar.
8. A Show Cause Notice dated 04.10.2018 was issued by the then Registrar subsequent to report dated 31.05.2018 of the committee.
9. An appeal no.: 97/2017 titled as V N Sharma and others versus RCS and others was filed before Hon'ble Delhi Cooperative Tribunal against order dated 10.07.2017 of Registrar in which it was prayed that :- "to set aside and quash the impugned order..." *An order dated 20.11.2017 was passed in the said appeal in which the impugned order was stayed against appellants A1, A4, A5, A6 and A7 subject to deposit of Rs.30,000/- by each appellant/applicant within two days."*
10. An appeal no.: 105/2017 titled as Krishan Kumar Mittal versus RCS and others was filed before Hon'ble Delhi Cooperative Tribunal against order dated 10.07.2017 of Registrar in which it was prayed that:- " ...set aside/modify order dated 10.07.2017 passed by the Registrar of Cooperative Societies in case no.: 47/RCS/217B-Bnak/1021-1028 by excluding the appellant from holding guilty and imposing the penalty along with other directors of the Respondent Bank, in the interest of justice." *An order dated 13.11.2017 was passed in the appeal which reads as "...till the disposal of the appeal, the operation of the impugned order is stayed as per the terms of the orders passed in respect of the other appellants. Accordingly, the operation of the impugned order is stayed subject to deposit of Rs.30,000/- within ten days from the date of this order."*



[Signature]
04/11/2022

11. As per record available in the file, appeal nos. 221/2017 titled as Smt Krishna Khatri versus RCS and others and appeal no.: 184/2018 titled as Nirmala versus RCS and others were also filed before Hon'ble Delhi Cooperative Tribunal against order dated 10.07.2017 of Registrar Cooperative Societies.
12. A revision petition was filed by Krishan Kumar Mittal before Hon'ble Financial Commissioner against report dated 31.05.2018 and Show Cause Notice dated 04.10.2018.
13. There is nothing on record to show that revision petition filed by Sh Krishan Kumar Mittal before Hon'ble Financial Commissioner and appeal nos.: 97/2017, 105/2017, 221/2017 and 184/2018 as above filed before Hon'ble Delhi Cooperative Tribunal have been disposed off.
14. In view of the above, in the interest of natural justice and jurisprudence, order under section 66(2) of DCS Act 2003 subsequent to report dated 31.05.2018 of the committee constituted pursuant to order dated 10.07.2017 of Registrar Cooperative Societies cannot be passed.
15. Passing of order under section 66(2) of DCS Act 2003 is deferred till revision petition filed by Sh Krishan Kumar Mittal, one of the respondents, against report dated 31.05.2018 and Show Cause Notice dated 04.10.2018, pending before Hon'ble Financial Commissioner and appeal nos.: 97/2017, 105/2017, 221/2017 and 184/2018 against order dated 10.07.2017 pending before Hon'ble Delhi Cooperative Tribunal are finally decided.
16. After the above revision petition pending before Hon'ble Financial Commissioner and above appeals pending before Hon'ble Delhi Cooperative Tribunal are finally decided, complainant is at liberty to move an appropriate application for order under section 66(2) of DCS Act 2003.



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

[Handwritten Signature]
10/12/2022

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
 - i. Sh Jai Bhagwan, Ex-Chairman
 - ii. Smt Krishna Khatri, Ex-Director
 - iii. Smt Nirmala Devi, Ex-Director
 - iv. Sh Deepak Sharma, Ex-Director

- v. Sh Rajinder Singh Gupta, Ex-Director
 - vi. Sh Rajesh Kumar, Ex-Director
 - vii. Sh Satbir Singh, Ex-Director
 - viii. Sh Hari Prakash Garg, Ex-Director
 - ix. Sh Jagdish Chander Bhardwaj, Ex-Director
 - x. Sh M K Bansal
 - xi. Sh K K Mittal
 - xii. Sh Vinay Bhardwaj
 - xiii. Sh Chand Prakash Bhardwaj, Ex-Chairman
 - xiv. Sh V N Sharma, Ex-Co-opted Director
 - xv. Sh Rajinder Singh Yadav, Ex-Director
 - xvi. Sh Virendra Gupta, Ex-Co-opted Director
 - xvii. Sh P N Gupta, Ex-Co-opted Director
 - xviii. Sh Jai Pal Singh, Ex-Director
 - xix. Sh Shri Bhagwan, Ex-Director
 - xx. Sh Rajender Gaur, Ex-Director
 - xxi. 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


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

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04/X/2022