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

110001

F.No.47/872/GH/RCS/2017/3813 -3816

Dated: 24/2/23

ORDER

In the matter of:-

RAMAN VIHAR CGHS LTD

(Through President/Secretary)

.....PETITIONER

Versus

SH. OM PRAKASH

(MS.NO. 201)

.....RESPONDENT

This order shall dispose of proceedings initiated under section 41 of DCS Act, 2003 read with Rule 19, 20 & 25 of DCS Rules, 2007 against Sh. Om Prakesh, Member Raman Vihar CGHS Ltd. vide Show Cause Notice dated 02.04.2018.

Whereas, a petition dated 04.01.2018 had been received from Sh. Amit Sharma, Secretary of Raman Vihar CGHS wherein the petitioner had submitted that Sh. Om Prakash is having membership No. 201 in the said society and as per DCS Act, 2003 and DCS Rules, 2007, the transfer of membership in CGHS has to be within blood relation. However, in case of the Respondent, the transfer is not within the blood relation. Hence, the respondent suffered disqualification to be a member of the society. Accordingly, SCN dated 02.04.2018 was issued to the respondent.

Whereas the respondent Sh. Om Prakash, submitted in its reply that the original member, Smt. Udesh is the distant relative of the respondent, whose membership has been transferred in his favour. Even, if there any technical flaw, the membership can be restored in the name of the original member as the petitioner society have themselves allowed the transfer of membership under the intimation to the RCS office. He further submitted that Smt. Udesh became the member of the petitioner society vide M.C. resolution in the year 2003 and the same was transferred to the respondent in the year 2011 which was duly approved by the society and the name of the respondent is depicted in the Audit reports of the society.

Thereafter, a rejoinder dated 22.03.2019 has been filed by the society wherein the society submitted that the Managing Committee has to act as per Acts and Rules. In case the previous Managing Committee acted contrary to the Act and Rules, that does not mean that the present M.C. has also to act contrary to the Act and Rules. The society further submitted that the Hon'ble Supreme Court and High Courts in a number

of cases held that if the statute provided for a thing to be done in a particular manner, the same is to be done in that manner and not otherwise and if that is not in manner under the statute, then the same is illegal and void and cannot be enforced.

Further, a letter dated 10.06.2022 has been submitted by the society wherein Sh. Loeskh Upadhyaya, Secretary of the society submitted that Sh. Om Prakash had expired on 01.12.2019 and his Nominee i.e. Daughter of Sh. Om Prakash already files her resignation and the society refunds the amount which was deposited against his membership i.e. Land Money, Share Money, and Construction Cost etc. to his nominee. Further, the society requested that the present petition may be disposed off.

Whereas, on hearing dated 13.12.2022, Sh. Monu, Manager of the society with the authorization letter signed by Sh. Munish Modi, President of the society submitted that nominee of Sh. Om Prakash has filed her resignation and the society has refunded the amount deposited against the said membership.

In view of the letter of the society dated 10.06.2022 and the submission of society in hearing dated 13.12.2022, wherein the society has requested to dispose of petition as the respondent Sh. Om Prakash has expired and his Nominee had filed the resignation and the society had refunded all the deposited money of the respondent to his nominee. Hence, the present proceedings became infructuous and accordingly disposed off. The parties are at liberty to avail appropriate legal remedies as per DCS Act, 2003 and Rules, 2007. Ordered accordingly.


23/07/2023
Krishan Kumar

Registrar Coop. Societies

To,

1. Om Prakash, R/o House No. 95, Village Katewara, Bawana, New Delhi-110045
2. The President/Secretary, Raman Vihar CGHS Ltd, Plot No. 5-A, Sector-11, Dwarka, New Delhi-110075.
3. ARCS (Section-6 Housing) O/o RCS.
4. Incharge Computer Cell with direction to upload the Order on Website of the Department.


Krishan Kumar

Registrar Coop. Societies