

~~SECRET~~
C.C

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

F.47/1402/HB/Coop./GH/Sec-7/3798 - 3808

Dated: 24/2/23

Order

In the matter of:-

SH.MOHINDER MADAN

.....APPLICANT

VERSUS

SH. V.K MATHUR & ORS.

(Managing Committee of Shree Ganesh CGHS Ltd.)

.....RESPONDENTS

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 07.01.2018 u/s 118(1) & (8) of DCS Act, 2003 against the Managing Committee of Shree Ganesh CGHS Ltd.

Whereas, An application had been received from Shri Mohinder Madan seeking action against the Managing Committee of the society under section 118 of Delhi Cooperative Societies Act, 2003 [titled as Mohinder Madan vs. Mr. V.K.Mathur & Ors.] for prosecution of respondents.

Whereas, Shri Mohinder Madan alleged that the affairs of the society are not being run by the MC as per provisions of DCS Act and Rules viz. neither filling statutory returns nor complying the other directions of RCS office from time to time. The funds of the society have been spent without the requisite prior approval of the General Body of the Society. Further, the MC has failed to discharge its duties to carry out and implement the decisions taken by the General Body of the society regarding demarcation of available parking space, installation of water filter etc.

The society filed reply to the SCN wherein the society refuted all the claims of the petitioner and requested for withdrawal of the SCN.

Whereas, in the hearing dated 29.12.2022, Sh. Ajit Chetole, Advocate was present for Sh. Mohinder Madan and Sh. C.S. Gupta was present for the respondents no. 1,2,3,4,6 & 10.

Sh. Ajit Chetole, Advocate referred to his application dated 18.01.2018 with regard to passing of necessary directions/orders on his petition u/s 118 of DCS Act, 2003.

While, Advocate Sh. C.S. Gupta submitted that they have filed the delayed audit report and paid the fine of Rs. 1500/- and also filed the returns u/s 32 of DCS Act, 2003 for the relevant years and according to him cause of action does not survive and as per provision the matter does not lie u/s 118 of DCS Act, 2003.

The application filed by the applicant, the replies filed by the respondents and the relevant documents on record have been perused. In view of the facts it is observed that the penalty for delayed submission have been deposited by the Society who has also filed the return under section 32 for the relevant years, hence, there is no requirement for granting sanction for prosecution of the Office Bearers of the Society U/s 118 of DCS Act, 2003. The Application is disposed of accordingly.


23/02
Krishan Kumar
Registrar Coop. Societies

Sent To:-

1. Mr. V.K. Mathur, President
2. Mr. Rajan Mathur
3. Mr. Vijay Mathur
4. Mr. Anil Mathur
5. Mr. Anit Mathur
6. Sh. Naresh Mathur, Member
7. Smt. Gayatri Singh, Member
8. Smt. Anju Sharma, Member
9. President/Secretary of the Shree Ganesh CGHS Ltd. Plot No.93, I.P Extension, Delhi-110092 to serve the notice upon the above respondents and provide proof of service on record.
10. Sh. Mohinder Madan, C/o Jus Remedium Law Associates, F-6, Lajpat Nagar-III, New Delhi-110024
11. ARCS (Housing Section-7)O/o RCS
12. Incharge Computer Cell with directions to upload the order on Website of the Department.


23/02
Krishan Kumar
Registrar Coop. Societies