

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/ARH/675-GH/Sec-II/RCS/2021/3831-3834

Dated: 27/2/23

ORDER

In the matter of:-

SH. ASHOK KUMAR CHOPRA

&

CHOPRA CGHS LTD.

(Through President/Secretary)

.....RESPONDENTS

This order shall dispose of the proceedings initiated against Sh. Ashok Kumar Chopra u/s 41 of DCS Act 2003 read with rule 40 of DCS Rules, 1973, Vide Show Cause Notice dated 21.09.2022.

Whereas, the Chopra Co-operative Group Housing Society Ltd., Plot No 8, Sector-23, Dwarka, New Delhi sent a proposal for the clearance of the membership in respect of Sh. Ashok Kumar Chopra (Member Ship No.178).

Whereas, on the examination of the record/documents submitted by the Society the following violations have been noticed:-

1. That the application filed by Sh. Ashok Kumar Chopra for enrolment as a member of the Society is without date and he has also not submitted a declaration on oath along with his application that he is not a member of any other cooperative society having similar objects. The Officer of the Chopra CGHS Ltd who received his application has also not mentioned the date of receipt of application on the body of the application;

2. That the Management Committee of the Chopra CGHS Ltd has enrolled Sh. Ashok Kumar Chopra as Member vide Resolution dated 28/05/1986, but three share certificates bearing numbers 99, 107 & 107 dated 14/09/1984, 03/03/1998 and 23/08/1998 respectively were issued to Sh. Ashok Kumar Chopra. and

3. That Sh. Ashok Kumar Chopra was enrolled as member by the Management Committee of the Chopra CGHS Ltd vide its Resolution dated 28/05/1986, but the mandatory declaration on oath to be submitted along with the application for the enrolment of member i.e. affidavit



submitted by Sh. Ashok Kumar Chopra was purchased by him on 02/09/1993 and the same is also unattested and without date.

And whereas, Rule 24(1)(1) of the Delhi Co-operative Societies Rules, 1973 provides that no person shall be admitted as member of a cooperative society unless he has applied in writing in the form laid down by the cooperative society or in the form specified by the Registrar, if any, for membership along with a declaration on oath that he is not a member of any other cooperative society having similar objects.

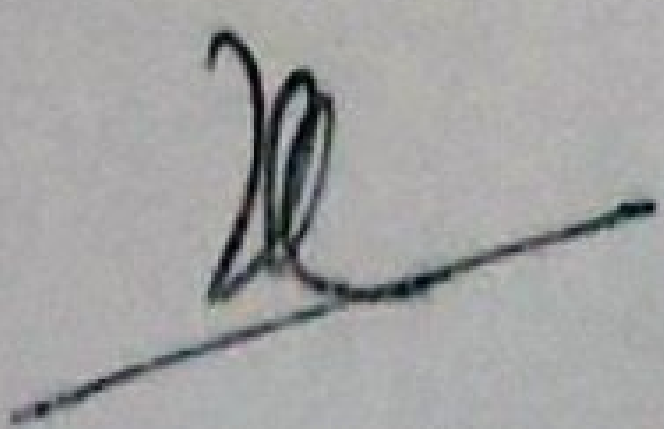
And whereas, Rule 40 of the Delhi Co-operative Societies Rules, 1973 regarding Cessation of membership states that without prejudice to the provisions of section 27, a person shall cease to be a member of a cooperative society on his resignation from the membership thereof being accepted or on the transfer of the whole of his share or interest in the society to another member, or on his death, removal or expulsion or incurring any of the disqualifications specified in the Act and the rules.

And whereas, Section 41(1) (d) of the Delhi Co-operative Societies Act, 2003 regarding Cessation of membership of Co-operative Society provides that notwithstanding anything contained in this Act, a person shall cease to be a member of a cooperative society on his expulsion or incurring any disqualification for being a member of that cooperative society.

And whereas, Section 41(2) of the Delhi Co-operative Societies Act, 2003 regarding Cessation of membership of Co-operative Society provides that notwithstanding anything contained in this Act, if any question as to whether a member has incurred any of the disqualifications mentioned in sub-section (1), it shall be referred to the Registrar for his decision, whose decision shall be final and binding.

Accordingly, Show Cause Notice u/s 41 of DCS Act 2003 read with rule 40 of DCS Rules, 1973 dated 21.09.2022 was issued to Sh. Ashok Kumar Chopra. The replies of Sh. Ashok Kumar Chopra and of the society had been received.

Further, in the proceeding dated 22.11.2022 Sh. Ashok Kumar Chopra was present alongwith his son Sh. Samrat Chopra and his Advocate, Sh. Sanjeev Kumar. Sh. H.G. Upreti, Vice President for the society was

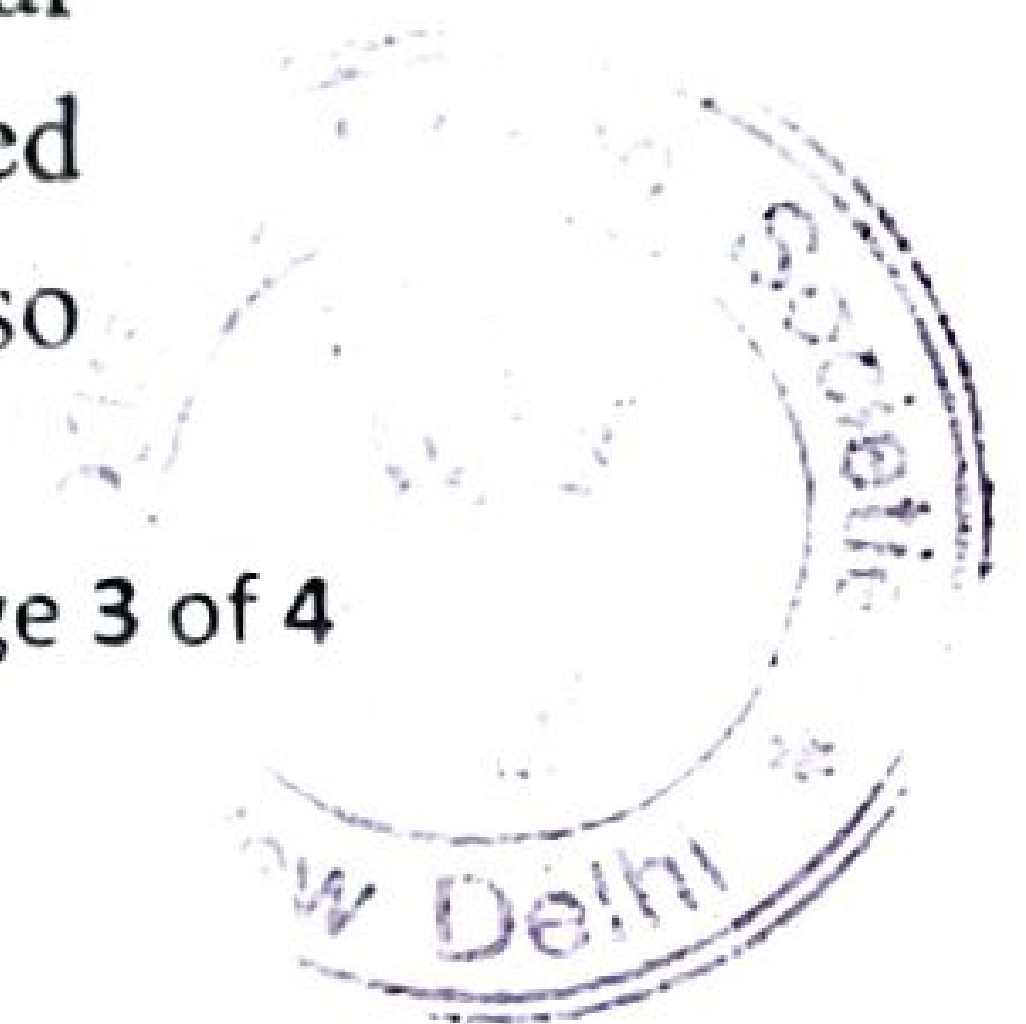


present .Both the parties have submitted their replies and oral arguments have been heard in length.

With respect to the first query i.e. application form submitted by Sh. Ashok Kumar Chopra for enrolment as member of the society is without date. In this regard the Ld. Advocate present for the respondent has admitted that the application form submitted by his client is without date but he insisted that the proceedings register in which the resolution dated 28.05.1986 vide which his client had been made member of the society be seen. Further, he has deliberated that the Serial no. 115 mentioned in the register specifically against the name of Sh. A.K. Chopra S/o Sh. Krishan Kumar Chopra below the name of Sh. Rajender Pal Abrol S/o Sh. Anant Ram and above Sh. Chandan Prakash Manchanda S/o Sh. M.M. Manchanda in the said register be seen. The original register produced by the society is seen and the copy of the same duly authenticated by the vice president of the society Sh. H.G. Upreti, Vice-President is taken on record.

With respect to the second query i.e. the Managing Committee of the society enrolled Sh. Ashok Kumar Chopra as member vide resolution dated 28.05.1986, but three share certificates bearing numbers 99, 104 & 107 dated 14.09.1984, 03.03.1998 and 23.08.1998 respectively were issued to Sh. Ashok Kumar Chopra. In this regard the Ld. Advocate stated that there was another person with name Ashok Kumar Chopra S/o Sh. Hansraj Chopra r/o Arakshan Road, Paharganj, New Delhi-110055 who was enrolled as member and later on his name was removed due to blood relation as per rules. He was again enrolled as member of the society in the M.C. Resolution dated 20.05.1984, but later resigned from the membership and his resignation was accepted by the society in the year 1995 and membership number 99 and 104 belongs to him. While, his client Sh. Ashok Kumar Chopra S/o Late Sh. Krishan Kumar Chopra r/o 16/82-C, Gali No. 3, Joshi Road, Karol Bagh, New Delhi was enrolled as a member in the society vide resolution dated 28.05.1986 and share certificate no. 107 dated 03.03.1998 was issued to his client.

With respect to the third query i.e. Sh. Ashok Kumar Chopra was enrolled on 28.05.1986, but the mandatory declaration on oath submitted by Sh. Ashok Kumar Chopra was purchased by him on 02.09.1993 and the same is also unattested and without date. In this regard the Ld. Advocate stated that his client has submitted the affidavit in the year 1986 and again in the year 1993 the M.C. of the society has demanded affidavit which was accordingly submitted again. The Ld. Advocate also

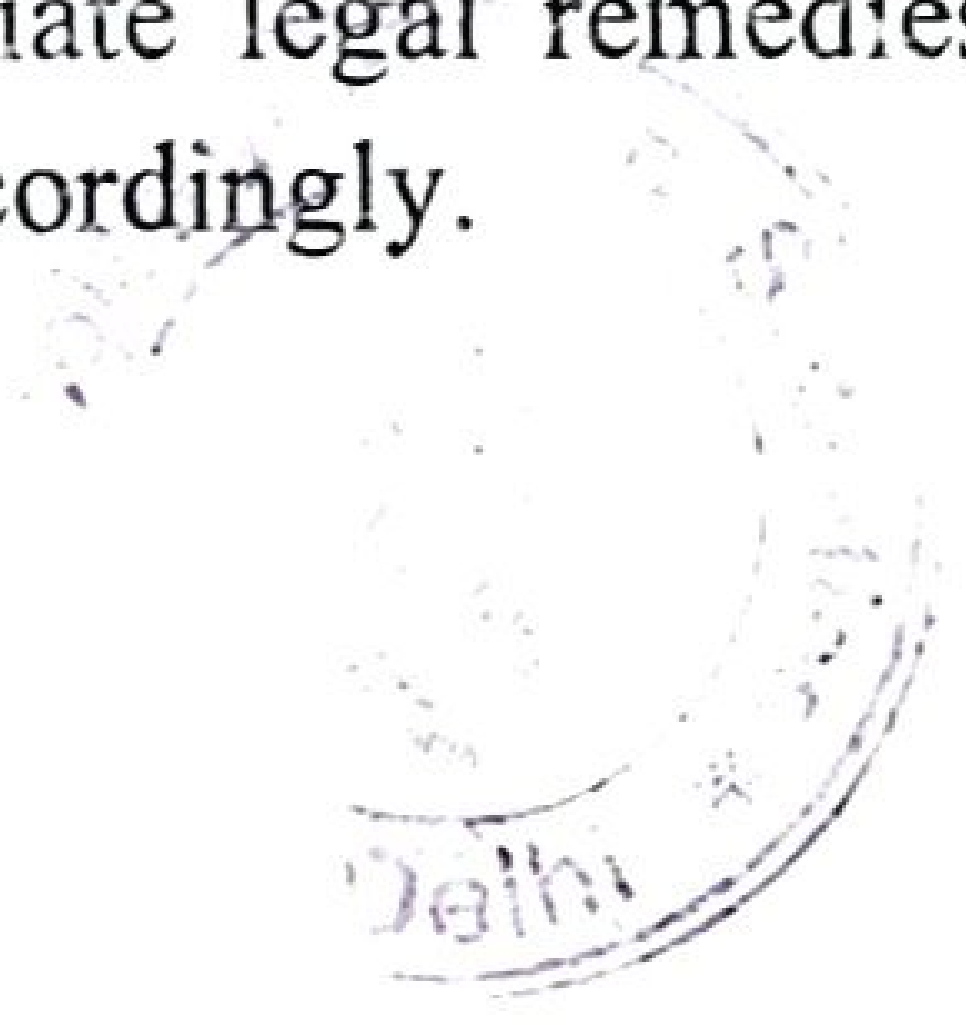


provides the copy of the affidavit submitted in the year 1986 from the personal records of Sh. Ashok Kumar Chopra.

Sh. H.G. Upreti, Vice President of the society has submitted that it is true that the application form submitted by Sh. Ashok Kumar Chopra for enrolment as a member in the society neither bears any date nor the date of its receipt in the society. Further, he had submitted that there is no record made available by the former M.C. to indicate share certificate bearing Number 99 having being issued to Sh. Ashok Kumar Chopra on 14.09.1984. However, there is a counterfoil of the share certificate bearing S. No. 107(Share card number 261) which mentions the date 23.03.1998 with cutting on date in front side, but the rear side of this document bears the same date 23.03.1998.

In reference to section-49(1) of DCS Act, 2003, I have perused original proceeding register and the membership register produced by the society and seen the relevant documents and is of the opinion that they are the prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matter. While the same is not disputed by the respondent present herein and the documents are duly verified in person. Certified copies of the above mentioned documents are taken on record.

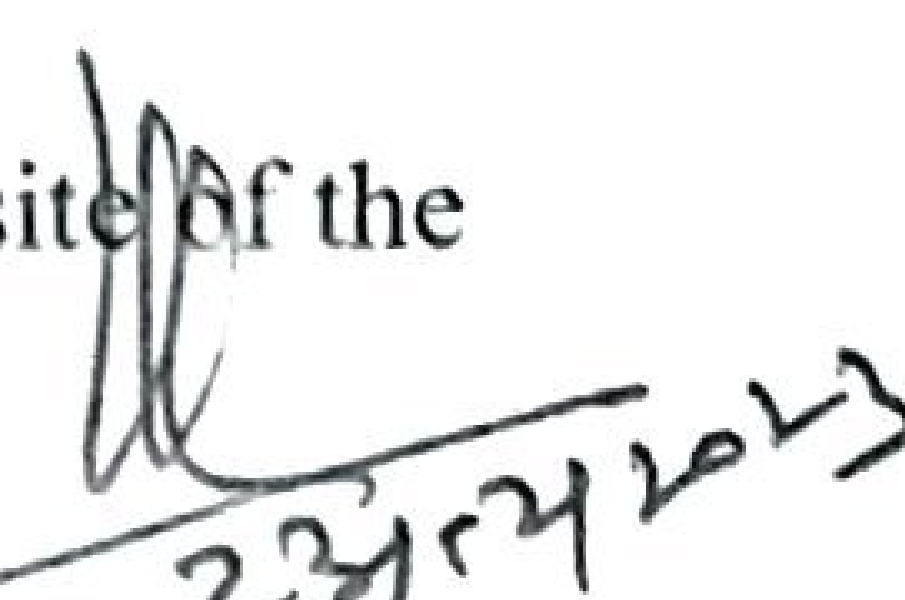
In view of the above, I am of the view that Sh. Ashok Kumar Chopra does not incur any disqualification u/s 41 of DCS Act 2003 read with rule 40 of DCS Rules, 1973 and the case of Sh. Ashok Kumar Chopra is a fit case to be placed before Rule 90 committee. The parties are at liberty to avail appropriate legal remedies as per DCS Act, 2003 and Rules, 2007. Ordered accordingly.




23/02/2023
Krishan Kumar
Registrar Coop. Societies

Sent To:-

1. Sh. Ashok Kumar Chopra, R/o 16/82-C, 1st Floor, Gali No. 3, Joshi Road, Karoi Bagh New Delhi-110075
2. President/Secretary, Chopra CGHS Ltd., Plot No. 8, Sector-23, Dwarka, New Delhi-110075
3. ARCS (Section-2 Housing) O/o RCS
4. Incharge Computer Cell with direction to upload the Order on website of the Department.


23/02/2023
Krishan Kumar
Registrar Coop. Societies