

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

No. F.1265/HB/Sec-5/2022/4071--4074

Dated: 17/03/2023

In the matter of :-

Sh. Maqsudan Lal Jaggi  
&  
Sh. Nakul Chand  
(In Reg: New Friends CHBS Ltd.)

.....RESPONDENT

**Order**

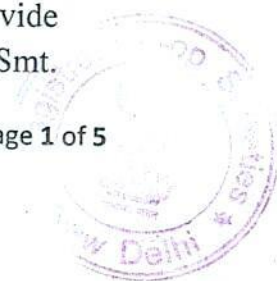
This order shall dispose of the proceedings initiated vide Show Cause Notice dated 11.10.2022 for grant of prosecution sanction under section 121(2) of DCS Act, 2003 for offences under section 118(5) & (7) of DCS Act, 2003.

Whereas, a PUC has been received from SI Ravinder Chander, ARSC Crime Branch, Shakarpur, Delhi vide which he has requested this office for grant of necessary sanction u/s 121 of Delhi Cooperative Societies Act, 2003 to prosecute the accused persons i.e. Secretary of NFCHBS Society Mr. ML Jaggi & employee/office Suptd. Nakul Chand u/s 118(5) & 118(7) Delhi Cooperative Societies Act, 2003.

Whereas, in the PUC it is stated that Smt. Meenakshi Sharma made a complaint on 25/05/2011 in Crime Branch, Delhi. The complainant stated in her complaint that her father Late Sh. R.D. Sharma was member of New Friends Cooperative House Building Society Ltd. vide Membership No-1532 and a Plot No-20(435 Sq. Yds) was allotted to him by virtue of a sub-lease dated 16/06/1982 and possession was also handed over to him. Delhi Development Authority cancelled the sub-lease of the said plot vide order No. F.27(902) 78/CS/DDA/1014 dated 09/02/2001, due to violation of certain clauses of lease deed. The complainant, Smt. Meenakshi Sharma, made a representation before DDA authorities for restoration of Lease and mutation in her name which was acknowledged by DDA vide letter bearing No 27(902)78/CS/DDD/4174 dated 27/10/2004.

On her representation, with the approval of Hon'ble Lt Governor of Delhi, DDA vide letter No- 27(902)78/CS/DDD/9881 dated 14/05/2009 restored the sub-lease plot No -A-20, New Friends Colony, New Delhi in the name of Smt. Meenakshi Sharma and she was asked to deposit the restoration charges vide letter No -F 29(902)/78/CS/DDA/3913 dated 14/05/2009. When Smt.



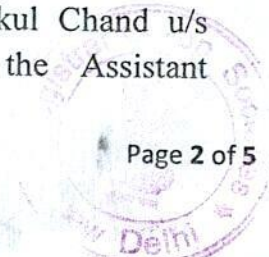




Meenakshi Sharma, complainant, visited her plot on 18/05/2009, she found that one Sh. Pankaj Bajaj was constructing the plot in connivance of Sh. ML Jaggi Honorary Secretary of NFCHBS Ltd. (The New Friends Cooperative House Building Society Limited) She made complainant to DDA authorities in this regard. Sh. Pankaj Bajaj had shown a sale deed dated 26/03/2007 executed in his favour by Sh. ML. Jaggi Hony Secretary of the NFCHBS Ltd. However, the Deputy Director, Cooperative Society Cell, DDA wrote a letter dated 22/01/2009 to Sh. ML Jaggi President, The New Friends CHBS Ltd mentioning clearly therein that the Society had sold the plot illegally to Sh. Pankaj Bajaj vide sale deed dated 26/03/2007 violating the clause XVI of the Lease Agreement dated 13/02/1963 executed between the DDA and the NFCHBS Ltd. During pendency of the enquiry, complainant filed an application U/S 156(3) Cr PC in the Hon'ble Court of ACMM/Central Tis Hazari Courts, Delhi. Thereafter a case was registered on 14/09/2011 vide FIR No-234/11 U/S 420/467/471/120B IPC at PS Crime Brach, and the investigations was taken up by IO/Insp. Sajjan Singh of SOS/Crime branch.

Whereas, after its investigation, the Crime Branch has stated that it is established that the accused Sh. Pankaj Bajaj in connivance with Sh. ML Jaggi, Smt. Rashmi Bajaj & Sh. Nakul Chand, has conspired to illegally grab the DDA land i.e. Plot No-A-20 New Friends Colony New Delhi through cheating and forgery. The induction of Smt. Rashmi Bajaj against Membership No-1500 in the New Friends Cooperative Society Ltd by Sh. ML Jaggi, Hony Secy NFCHBS was done by manipulating the society record with the help of Sh. Nakul Chand, Office Supdt., NFCHBS and the same was done in contravention of the prescribed rules and regulations. Smt. Rashmi Bajaj had also given a false affidavit on 09/12/2004 to get the membership of the society. Further, transfer of membership no-1500 to Pankaj Bajaj was also done in contravention of the bye laws of the society. As per record of the Registrar of Co-operative Societies, Sh. Pankaj Bajaj is not a member of NFCHBS society, New Delhi and hence, he does not entitle to claim any plot of this society. Allotment of Plot No -A-20, NFCHBS New Delhi, to Pankaj Bajaj was totally illegal and it was done without obtaining the requisite approval of the Competent Authority. The mutation and registration of sale deed documents of the plot in question was also done in contravention to the Delhi Lands (Restrictions on Transfer) Act, 1972 and without having any legal authority by Sh. M.L. Jaggi.

Whereas, to prosecute the accused persons i.e. Secretary of New Friends CHBS Ltd., Mr. M.L. Jaggi & employee/office Suptd. Nakul Chand u/s 118(5)/118(7) Delhi Cooperative Societies Act, 2003; the Assistant





Commissioner of Police, Anti-Robbery Snatching Cell, Crime Branch Delhi has requested that Prosecution Sanction u/s 121 Delhi Cooperative Societies Act, 2003 may kindly be given against the following:

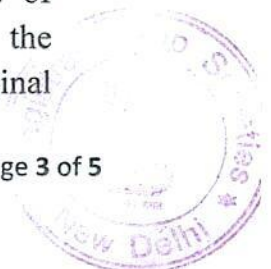
1. Maqsudan Lal Jaggi @ M.L. Jaggi S/o Shri Ram Lal Jaggi R/o H.No.-A-283, New Friends Colony, Delhi who was the office Honorary Secretary of NFCHBS Society (The New Friends Cooperative Housing Building Society Limited) 91, NFC, New Delhi.
2. Nakul Chand S/o Sh. Bibhuti Prasad R/o H. No-91(opposite D 896), New Friends Colony, Delhi who was the office Suptd of NFCHBS Society (The New Friends Cooperative Housing Building Society Limited) 91, NFC, New Delhi.

Accordingly, Show Cause Notice dated 11.10.2022 was issued to Sh. Maqsudan Lal Jaggi and Sh. Nakul Chand for the hearing dated 27.10.2022.

In the proceeding dated 27.10.2022 before this court Sh. Nakul Chand submitted death certificate of Sh. Masqudan Lal Jaggi.

Whereas, Sh. Nakul Chand filed reply dated 29.11.2022 to the Show Cause Notice wherein he has submitted as under:

1. That he may point out to your goodself, that he is only a 4th class employee with M/s New friends housing co-operative society 91 NFC New Delhi, & he is to follow the instruction of the management committee & in order to protect his job and to earn his livelihood.
2. That the he has been surprised to receive such Show Cause Notice as an FIR has already been registered against several accused person and against him in the year 2011 i.e FIR No. 234/2011 and thereafter the chargesheet was filed on 29.07.2013 & charges were framed in the present matter on 06.12.2021 and the present sanction so sought by the SI Ravinder Chander, ARSC, Crime Branch Shakarpur, Now is Under Section- 121 of Delhi Co-operative Society Act of 2003, is very much hit by the doctrine of delay and laches and it seems that this application has been filed after he has challenged the order of framing of charge before the Sessions Court.
3. That the he has never falsified or tampered with the record of Co-operative Society at any point of time.
4. That even the property in question does not come under the purview of Delhi Development Authority, which fact is very much clear from the aforesaid property was never given/ transfer to DDA as the original





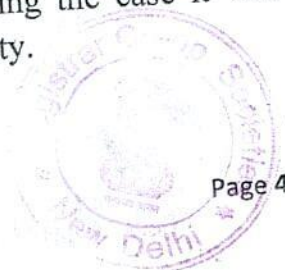
Bhoomidar namely Sh. Bhisamber Dayal & his family has challenged the award no. 49/42-73 and a Civil Writ petition No. 76/1971 was filed against the DDA & Society in which Stay order has been granted, whereby the possession was taken by the DDA of the plot in question i.e A20, New Friends Colony, New Delhi. The matter was ultimately settled between the society & Sh. Bhisamber Dayal and his family on 19.04.2005, when the society has paid Rs. 48,00,000/- and possession was handed over to the society which was duly mutated in the Revenue Records.

5. That the basis for the complaint or the request for the grant of necessary sanction is that the property belongs to DDA and given to society goes to contrary to the settlement which was allowed by the division bench of the Hon'ble High Court of Delhi goes contrary, therefore there is no question of any sanction to be granted nor the he has committed any offence under the act it shall be pertinent to point out here that section 50 of the Land Acquisition Act, 1894 clearly & categorically provides that till the time of actual possession of the acquired land is not taken over, the ownership does not stands transferred as held in "Agva Ram Arora vs Surjeet Mech. Tools" decided on 14.05.2015 in Civil Misc. Main. No. 1041 of 2014 in para 12 of the judgment, wherein it was held that as long as physical possession is not taken over by the acquiring authority as the title till the time remains with the Original Bhumidar/owner. The Hon'ble Supreme Court of India has also held in "Special Land Acquisition Officer vs Godrej & Boyce" reported as (1988) 1 SCC 50 makes it clear that the title of the land vests in the Government only when possession is taken over by Government, till the time the possession is not taken over, the original Bhumidar remains the owner. In the present matter, as Sh. Bishamber Dayal and Ors. who has filed the writ petition and remained in the possession of the plot in question in view of the stay granted and the possession was handed over on 19.04.2005 in view of the settlement between Sh. Bishamber Dayal and his family members and New Friends House Building Cooperative Society Limited through its Office Bearer Sh. M.L. Jaggi.

6. That it shall be pertinent to point out here that Sh. Maqsudan Lal Jaggi has already expired on 15.12.2013 in the present matter who was the officer bearer at that relevant time.

In the proceedings dated 09.02.2023 before this court, the matter was heard on length and oral arguments were also heard. While arguing the case it was revealed that Sh. Nakul Chand is still working in the Society.






In view of the above and after perusal of the case file and submissions of the parties, I am of the view that Sh. Nakul Chand has violated section 118(5) & (7) of DCS Act, 2003. Accordingly, prosecution sanction u/s 121(2) of DCS Act, 2003 is granted against him. Further, it is pertinent to mention that as Sh. Maqsdan Lal Jaggi has expired and because of the same proceedings against him cannot be continued. Hence, proceedings against him under section 118(5) & (7) of DCS Act, 2003 are accordingly dropped.

Ordered accordingly.



  
16/03/2023  
Krishan Kumar

Registrar Coop. Societies

Sent To:-

1. Sh. Nakul Chand S/o Shri Bibhuti Prasad R/o H. No-91(opposite D 896), New Friends Colony, Delhi who was the office Suptd. of NFCHBS Society (The New Friends Cooperative Housing Building Society Limited) 91, NFC, New Delhi.

Copy To:

1. S.I. Ravinder Chander,  
Anti-Robbery Snatching Cell,  
Crime Branch, Shakarpur, Delhi.
2. ARCS (Section-5 Housing) O/o RCS.
3. Incharge Computer Cell with direction to upload the Order on Website of the Department.