

**OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES**  
**GOVERNMENT OF NCT OF DELHI**

**OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI 110001**

F. No: 47/1246/Coop./GH/SEC-6/RCS/2023/4913-4916 Dated: - 23/5/23

**ORDER**

In the matter of:  
Pragya CGHS Ltd.

This order shall dispose of the proceedings initiated under Section 37(1) of DCS Act, 2003 dated 05.04.2023 against the Managing Committee of the society.

Whereas, National Consumer Disputes Redressal Commission, New Delhi has passed an order, dated 25/11/2022 in case no. CC No. 1558/2018 in the matter of Mrs. Girija Viswanathan Vs Pragya CGHS Ltd., in CC/1559/2018 in the matter of Smt. Sangeeta and Sh. Ashwani Gupta V/s Pragya CGHS Ltd. and in CC/1560/2018 in the matter of Sachidanand Tripathi V/s Pragya CGHS Ltd wherein the Hon'ble commission has directed to refund of entire amount plus 9% interest per annum from the date of deposit of amount as deposited by Mrs. Girija Viswanathan, Smt. Sangeeta W/o Ashwani Gupta and Sh. Sachidanand Tripathi. The operative para of the order is as under:

*"In view of the order of the High Court, the complaints are partly allowed. The Registrar, Cooperative Societies, Delhi is permitted to auction/sell the three vacant flats available in the society as per the procedure prescribed by the Delhi High Court in the order dated 16.07.2019 and from the sale proceeds, refund the entire money of the complainants along with interest @9% per annum from the date of deposit till the date of payment within a period of three months from the date of this judgement. The complainants shall produce a certified copy of this order before the Registrar, Cooperative Society, Delhi along with proof of deposit made by them within ten days."*

Whereas, a letter dated 18/01/2023 has been sent to the President/Secretary of the Pragya CGHS Ltd., to submit the status of action taken by the Society regarding refund of entire amount deposited by Mrs. Girija Viswanathan, Smt. Sangeeta W/o Ashwani Gupta and Sh. Sachidanand Tripathi. The President/Secretary of the Pragya CGHS Ltd. has replied to this vide their letter dated 06.02.2023 wherein they have requested this office to take further necessary action to auction/sell the three vacant flats available in Pragya CGHS Ltd. So, the money due to the complaints can be refunded from the sale proceeds as per court order.

Thereafter, this office has directed the Society vide letter dated 24/02/2023 to be present with the status report/reply without any delay at 12 pm on 02/03/2023 which was delivered in the Society on 28/02/2023, but the Society had not complied with the







directions of this office. However, a letter dated 03.03.2023 has been received by this office from the Secretary/President of the Society wherein the society has reiterated the order dated 25/11/2022 of the National Consumer Disputes Redressal Commission, New Delhi and requested this office to appoint the local Commissioners. Hence, from this letter it is assumed that the Society is stressing on auctioning of these flats. However, as per DCS Act 2003 and DCS Rules, 2007, there is no provision of auctioning the flats. The Managing was advised to adhere by the DCS Act, 2003 & Rule 2007 while selling these flats verbally also. The Society was directed to refund the amount of Smt. Girija Viswanathan, Smt. Sangeeta W/o Ashwani Gupta and Sh. Sachidanand Tripathi from the funds available in the account of the Society.

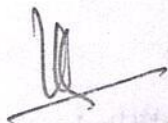
This office repeatedly directed the Society to submit the status of action taken report vide letters dated 18/01/2023, and 24/02/2023 but the Society has failed to submit the status of action taken report regarding the refund of entire amount deposited by Mrs. Girija Viswanathan, Smt. Sangeeta W/o Ashwani Gupta and Sh. Sachidanand Tripathi.

In view of the same this office issued notices under section 37(1) of DCS Act, 2003 to the Managing Committee of the society for filing reply and also afforded and opportunity of personal hearing to present their case.

On proceeding dated 02.03.2023 before the undersigned President, Secretary and Vice-President of the society were present and submitted that being a social and statutory society they have social responsibility and it is on record that various matters are going on in court and there is apprehension that they may be indulged in court matters. They further submitted that the main problem they are facing is fixing the estimated cost of the flats to be auctioned as the circle rate is way less than the market price of the flats and the market prices of the flats vary from society to society. From the last three months they are running from pillars to post and met with various govt. agencies like. D.C. Office, Sub-Registrar office etc. regarding the same. But, the estimated prices of the flats cannot be fixed and the decision cannot be reached on the same in last three months.

In view of the above and after perusal of the submissions made by the society. I am of the opinion that the society was directed to comply with the directions of the NCDRC by following the due procedure as per DCS Act, 2003 and Rules, 2007. But, instead of the same they are insisting on auctioning of the flats. Whereas, in the order dated 16.07.2019 of the Hon'ble High Court in CS(OS) 308/2018 & I.A. 13468/2018, wherein the Hon'ble Court has directed auctioning of the six flats in the same society. However, in its order dated 03.11.2020 in the same matter at para 17 the Hon'ble Court has noted as under:

*"It is clarified that this order is being passed in the peculiar facts and circumstances of this case and shall not be treated as precedent"*





Hence, it is clear that Hon'ble High Court has itself made it clear that the order dated 16.07.2019 shall not be treated as precedent as the same was passed in peculiar facts and circumstances of the case. But, the Managing Committee of the society knowingly disobeying the directions of this office regarding the compliance of the order of the NCDRS dated 25.11.2022.

Needless to mention that sufficient funds are available with the society from disposal of the previous auction of the 6 flats conducted by the Hon'ble High Court and the same funds are constantly available with the society even as on date. But instead of complying with the directions of NCDRC and to refund the amount to the persons, the society is asking this office to auction the flats. Hence, the society is wilfully disobeying the directions of NCDRC. Therefore, in exercise of the power conferred upon me under section 37(1) of DCS Act, the Managing Committee of the society is superseded with immediate effect and Sh. Vijay Singh Malik, Dy. Director (GOC/Vigilance) is appointed as an Administrator of the society initially for a period of 90 days. He shall be paid Rs. 10,000/- remuneration per month which is to be paid from the society's fund.



(Krishan Kumar)

REGISTRAR COOPERATIVE SOCIETIES

To,

1. The President/Secretary of the Pragya CGHS Ltd. Plot No.1-B, Sector-2, Dwarka, New Delhi-110075.
2. Sh. Vijay Singh Malik, Dy. Director (GOC/Vigilance), Administrator, Room No. 15, (NCC Building), Old Secretariat, Delhi-110054.

Copy To;

1. Assistant Registrar, Housing Section-6, O/o Registrar Cooperative Societies, Parliament Street, Delhi-110001.
- ✓ 2. Incharge computer cell with direction to upload on Department website.

(Krishan Kumar)

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