

**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/Sect.-III/2017/4973-76

Dated: 31/5/23

**ORDER**

In the matter of:-

JYOTI CGHS LTD

(Through President/Secretary)

.....RESPONDENTS

This order shall dispose of proceedings initiated under section 37(1) of DCS Act, 2003 against the Managing Committee of Jyoti CGHS Ltd. vide Show Cause Notice dated 14.07.2017.

Whereas the Jyoti CGHS Ltd. is registered with the Office of Registrar Cooperative Societies vide registration no. 498 dated 17.01.1980 as per provision of Delhi Cooperative Act and Rules framed there under.

Whereas a Writ Petition No.7712/2016 in Hon'ble High Court of Delhi was filed by Sh. Pradeep Arora, a member of the society, for clearance of his membership in respect of draw of lot to be conducted by DDA.

Whereas during the last hearing dated 03.05.2017 before Hon'ble High Court of Delhi this office has submitted that the case of Sh. Pradeep Arora will be decided after verification of membership for which a letter to the society has been sent vide letter dated 28.04.2017.

Whereas the Hon'ble High Court of Delhi has passed the direction on 03.05.2017 that the Society will provide the documents to the Registrar Cooperative Societies within two weeks as demanded.

Whereas the society failed to produce the requisite documents /record before this office in the prescribed time specified by the Hon'ble court despite the reminder letter dated 30.05.2017.

In view of the above facts it is clear that the Society failed to comply with the directions issued by the High court and of this Department as well. The action of the society was against the provision of DCS Act 2003 and Rules 2007 therefore a Show Cause Notice dated 14.07.2017 U/s 37(1) of DCS Act, 2003 was issued to the Society.

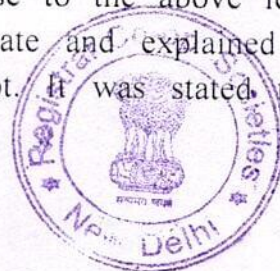
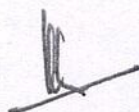
The society filed reply dated 10.08.2017 against the SCN dated 14.07.2017 wherein the society had submitted as under:

1. That the above named society is in receipt of above mentioned Show Cause Notice dt.14.7.2017 as issued by this Court U/s 37 (1) of DCS Act, 2003 for supersession of the Managing Committee on the alleged ground that the M.C. has been failed to comply with the



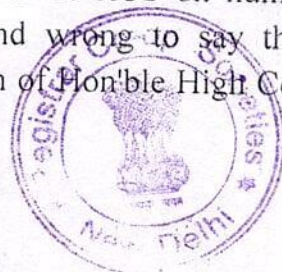
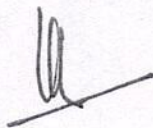
directions of the Hon'ble High Court of Delhi as well as Registrar Coop. Societies Office for production of certain documents pertaining to the clearance of membership of Sh Pradeep Arora member of Jyoti CGHS Ltd.

2. At the outset it is submitted that the contents of the above mentioned shows cause notice are factually incorrect and therefore the allegations made therein are hereby specifically denied.
3. It is submitted that the name of Sh. Pradeep Arora, a member of the Society who has filed WP (C) No.7712/2016 on which the present show cause notice is based upon, and other members were recommended by the long ago in 2000 itself, for clearance of their names for allotment of flats to them.
4. It is submitted that society had also submitted all relevant papers as available in the society in respect of those members as well as the documents which were submitted by those members for the perusal of the office of the RCS.
5. That RCS office cleared the names of other members but detained the names of Sh. Pradeep Arora and Smt. Harminder Kaur. Name of Smt. Harminder Kaur was also later on cleared and she was also allotted a flat in the Society.
6. However, RCS office miserably failed to clear the name of Sh. Pradeep Arora despite expiry of more than 15 years during which period society recommended the name of Sh. Pradeep Arora numerous times and also repeatedly submitted the documents pertaining to the membership of Sh. Pradeep Arora for perusal of the RCS office which failed to respond to those proposal or raise any objection or deficiency memo to the Society or the member concerned.
7. When nothing happened in his matter, Sh. Pradeep Arora filed the above mentioned writ petition against RCS as well as Society for clearance of his name and allotment of a flat in society. RCS office for the first time, after being served in the above writ petition, vide separate letters dt.28.4.2017 issued to Sh. Pradeep Arora and Society directed them to produce Original Share Money Receipt and Share Certificate and Membership Application, Residence proof, Managing Committee resolution, Membership Register and affidavit filed by member at the time of enrolment.
8. That Sh. Pradeep Arora in response to the above letter dated 28.04.2017, produced share certificate and explained the non-availability of Share Money receipt. It was stated that Share



Certificate itself is a conclusive proof of that fact that he/concerned person had paid the requisite share money.

9. Regarding, documents which were demanded from Society. Society, vide number of letters, not only in the case of Sh. Pradeep Arora but in case of other members also already informed about non-availability of old records like original membership applications, share money, receipts or MC resolution regarding enrollment of member(s) though the copies of some of those documents are already on records. It is however pertinent to mention here that no one has disputed the authenticity thereof. In fact earlier draw of lots were conducted on the basis of those documents. Although RCS office has cleared the names of most of the members under similar circumstances but in the case of Sh. Pradeep Arora, it is not clear as to why RCS office is raising unnecessary issues/ objections. So far as original membership register is concerned, the Society has already produced original membership register.
10. Even the Hon'ble High Court in its order dated 03.05.2017 as passed in the above writ petition found that the approach of the RCS office was lackadaisical and directed the society to produce all relevant documents that are available with it. Accordingly society produced original register, affidavits filed by Sh. Pradeep Arora and others, original share certificate, verification certificate, residence proof etc. Regarding remaining documents, Society categorically informed RCS office as well as Hon'ble High Court of Delhi that the same are not traceable right now.
11. That in the proceedings/hearing as took place in the above writ petition on 17.07.2017 before the Hon'ble High Court of Delhi Society once again informed the Hon'ble High Court that whatever documents which were in the power and possession of the Society the same have already been furnished to the office of RCS. This fact was duly communicated by the society to RCS office vide letter dt.2.7.2017.
12. It is clear from the order dt.17.7.2017, that the Hon'ble High Court accepted the explanation of the society and directed the petitioner Sh. Pradeep Arora to produce relevant documents which according to him he had already submitted in the office of RCS on number of occasions. Thus it is totally incorrect and wrong to say that the society has not complied with the direction of Hon'ble High Court of Delhi.



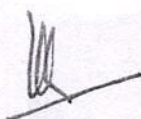
13. Since the society is not in possession of the certain documents, it is not possible for the society to produce the same. RCS office has cleared the names of many other members of the society despite non-availability of those documents in the past as they are not material.
14. Moreover, the RCS office keeps asking for different documents which otherwise are not material. Even in the show cause notice it is not clear as to which direction the society has failed to comply with. Even otherwise, though the same is denied, if society has not complied with the directions of Hon'ble High Court, then Hon'ble Court has enough powers to punish the society. It is however specifically denied that society has not complied with any direction of the Hon'ble High Court. On the contrary Hon'ble High Court has accepted the explanation and directed the RCS vide order dt.17.7.2017, order which was passed after issuance of present show cause notice and therefore could not be considered by this court, to clear the name of the said member.
15. It is submitted that no case for taking action U/s 37 (1) of the DCS Act, 2003 has been made out against the present MC. In view of the above submissions it is respectfully submitted that the Notice dated 14.07.2017 may kindly be withdrawn or dropped immediately. Any other or further directions that this Hon'ble Court may deem fit and proper in view of the facts of the present case may also be passed in favour of the Society.

Whereas, vide order dated 29.08.2017 passed by the ARCS (Housing Section-3), the claim of Sh. Pradeep Kumar for membership in the Jyoti CGHS Ltd. was rejected. The operative para of the order is as under:

*"Whereas the society and the member have failed to provide all the mandatory documents for verification of membership as mandated as per section 77(1) of DCS Act, 2003 and Rule 90 of DCS Rules, 2007. Therefore, the claim of membership of the claimant is hereby rejected. This issues with the approval of competent authority."*

Whereas, the Hon'ble High Court while disposing of the W.P. (C) 7712/2016 titled as "Pradeep Arora Vs Registrar Cooperative Societies Delhi & Ors" vide its order dated 31.08.2017 had ordered as under:

*"Pursuant to the order dated 17.7.2017, on which date, the President of the respondent No.2/Society was directed to produce all the relevant documents pertaining to the clearance of the membership of the petitioner on appearing before the Assistant Registrar in the office of the respondent No.1/RCS on 24.7.2017, Mr. Devesh Singh, learned counsel*



for the respondent No.1 states that an order dated 29.8.2017 has been passed, a copy whereof is handed over to the counsel for the petitioner and the President of the respondent No.2/Society, who appears in person. The said order is taken on record. 2. As per the aforesaid order, the learned Assistant Registrar has held that the Society and the members have failed to provide all the mandatory documents for verification of the petitioner's membership, as mandated in W.P.(C)7712 /2016 Page 2 of 2 law. As a result, the petitioner's claim for membership has been rejected. 3. In view of the aforesaid order dated 29.8.2017, no further orders are required to be passed in the present petition which is disposed of along with pending application. Liberty is granted to the petitioner to seek legal recourse before the appropriate forum, in accordance with law. 4. At this stage, Mr. Saini, learned counsel for the petitioner states that the aforesaid order shall cause immense hardship to the petitioner who has been knocking at the doors of the respondents No.1/RCS and respondent No.2/Society since the year 2000 for allotment of a flat and has ultimately been left high and dry. He states that the petitioner may be permitted to reserve his right to claim damages for the loss of time, money and harassment caused to him at the hands of the respondents. Ordered accordingly."

Whereas, the Society in its further reply dated 25.07.2022 has submitted the below mentioned documents and requested that SCN u/s 37(1) of DCS Act, 2003 issued against the society be withdrawn and name of Sh. Pradeep Arora be cleared for draw of lot:

1. Copy of application filed by Sh. Shanti Lal Arora to transfer his membership in the name of his son Sh. Pradeep Arora.
2. Copy of resident proof of Sh. Pradeep Arora.
3. Copy of the proceeding register in which the resolution dt. 25.06.1986 was passed wherein the membership of Sh. Shanti Lal Arora was transferred in the name of his son Sh. Pradeep Arora.
4. Copy of membership register in which at Serial No. 43(35) name of Sh. Shanti Lal Arora was mentioned and in the remarks column it was mentioned that the same was transferred to Sh. Pradeep Arora son of Sh. Shanti Lal Arora.
5. Copy of Affidavit filed by Sh. Pradeep Arora.

Whereas, during the proceeding dated 06.12.2022, it was noted as under:



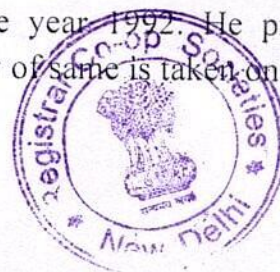
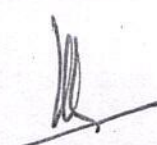
*The society has brought the Original records i.e. membership register, proceeding register. In the membership register against S.No. 35 the name of Sh. Shanti Lal Arora is mentioned and in the remarks column it was mentioned that the membership has been transferred to his son Sh. Pradeep Arora. In the proceeding register dated 25.06.1986, the Managing Committee resolved to transfer the membership from Sh. Shanti Lal Arora to Sh. Pradeep Arora.*

*Sh. Pradeep Arora has stated that the membership has been transferred to his name from his father sh. Shanti Lal Arora vide society resolution dated 25.06.1986 and he had also taken a loan from Punjab National Bank against the same Membership in the year 1992. He presented Original record for perusal and certified copy of same is taken on record.*

Whereas, it was submitted by the Managing Committee of the society that not only in the case of Sh. Pradeep Arora but in case of other members also, it was already informed about non-availability of old records like original membership applications, share money receipts or MC resolution regarding enrolment of member(s) though the copies of some of those documents are already on records and it is not possible for the society to produce the same as these documents are not available/traceable in the society despite due diligence.

Whereas, in respect to the membership of Sh. Pradeep Arora the society produced the Original records i.e. membership register, proceeding register. In the membership register against S.No. 35 the name of Sh. Shanti Lal Arora is mentioned and in the remarks column it was mentioned that the membership has been transferred to his son Sh. Pradeep Arora. In the proceeding register dated 25.06.1986, the Managing Committee resolved to transfer the membership from Sh. Shanti Lal Arora to Sh. Pradeep Arora.

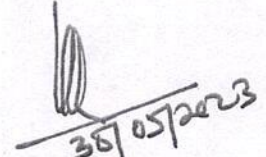
Sh. Pradeep Arora has stated that the membership has been transferred to his name from his father Sh. Shanti Lal Arora vide society resolution dated 25.06.1986 and he had also taken a loan from Punjab National Bank against the same Membership in the year 1992. He presented Original record for perusal and certified copy of same is taken on record.



In view of the above and after perusal of submissions made by both the parties, it is noted that the society has produced all the available documents which are in the custody of the society. Hence, I am of the opinion that the Managing Committee of the society does not attract any disqualification under section 37 of DCS Act, 2003. Hence, the proceedings under section 37(1) are hereby dropped.

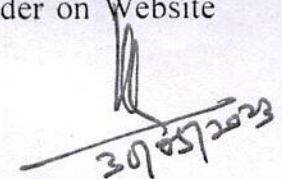
Ordered accordingly.



  
30/05/2023  
**Krishan Kumar**  
**Registrar Coop. Societies**

Sent To:-

1. The President/Secretary, Jyoti CGHS Ltd., Plot no. B-2, Sector-14, Rohini Extension, New Delhi-110075
2. Sh. Pradeep Arora, Flat No. 244, J&K Pocket, Dilshad Garden, New Delhi-110095
3. ARCS (Section-3 Housing) O/o RCS with the direction to reconsider the case of Sh. Pradeep Arora and provide a report on same within a period of 15 days.
- ✓ 4. Incharge Computer Cell with direction to upload the Order on Website of the Department

  
30/05/2023  
**Krishan Kumar**  
**Registrar Coop. Societies**