

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/RCS/GH/Coop./ 5468 -71

Dated: 18/7/23

In the matter of:-
Smt. Sanyogita Kakkar

Versus

.....Petitioner

Chopra CGHS Ltd.
(Through President/Secretary)

.....Respondent

ORDER

1. This Order shall dispose of the Appeal dated 02-06-2015 filed by Sh. S.K. Sharma, Advocate on behalf of Smt. Sanyogita Kakkar Under Section 28 & 41 of DCS Act, 2003 against the Cessation of membership of the Appellant's Late Husband Sh. Shyam Gopal Kakkar and for Non-Transferring the membership in favour of Smt. Sanyogita Kakkar W/o Late Sh. Shyam Gopal Kakkar.
2. The appellant in her appeal submitted that:
 - (i) She is a senior citizen aged 63 yrs. and the widow of late Sh. Shyam Gopal Kakkar who was a member of the society vide membership no.58.
 - (ii) Sh. Shyam Gopal Kakkar died on 05-10-2003. It is pertinent that Sh. Kakkar continued to be a member of society till his death and had paid the demands of the society as and when raised by it.
 - (iii) The appellant approached the office of the society a number of times but upon getting no response, the appellant filed an arbitration claim no.3752/GH/DR/Arb/2008-09 against the society seeking transfer of membership of her dead husband
 - (iv) The society in its reply falsely averred that the appellant's husband had been expelled during his lifetime and no membership remained to be transferred to the appellant herein.
 - (v) The claim petition was refused to be admitted by the Ld. Dy. Registrar vide orders dated 25-03-2015 on the ground that the relief in such a case is not admissible under Sec.70/71 but under different provisions of the Act.
 - (vi) It is pertinent that the alleged expulsion of late Sh. Shyam Gopal Kakkar was never notified, the approval of the RCS was also never sought and no refund of the paid cap amount was ever made to him during his lifetime or even thereafter.



3. The society filed reply to the appeal of the appellant wherein the society submitted that:
- (i) It is denied that Sh. Shyam Gopal Kakkar continued to be a member of the society till his death. It is further denied that he had paid the demand of the society as and when raised by it.
 - (ii) As per the records of the society it is submitted that Sh. Shyam Gopal Kakkar had voluntarily resigned from the membership of the society in 1986 and his resignation was accepted by the then Managing Committee in its meeting held on 28.05.1986. Thus as per provision of law especially Rule 40, Sh. Shyam Gopal Kakkar ceased to be a member of the society.
 - (iii) It is further submitted that late Sh. Shyam Gopal Kakkar had expired sometime in 2003. However, he did not make any complaint to any authority nor raised any dispute nor claimed any membership rights nor participated in the affairs of the society in any manner during 1986 to 2003 for 17 long years.

4. Conclusion:

On perusal of the file it is noted that the complainant is not pursuing her complaint since November 2018, neither she appeared before this forum nor filed any reply thereafter. However, on perusal of the replies and rejoinder filed by the parties, I am of the opinion that late Sh. Shyam Gopal Kakkar has resigned from his membership and his resignation was approved by the society in its Managing Committee resolution dated 28.05.1986. Further, it is pertinent to mention that late Sh. Shyam Gopal Kakkar never raised any objection nor filed any complaint regarding his resignation from the society. In view of the same, the appeal file by Smt. Sanyogita Kakkar is hereby dismissed as devoid of merit. Ordered accordingly.



Krishan Kumar
Registrar Cooperative Societies

To:-

1. Smt. Sanyogita Kakkar, KZ-23A, Indra Park Extn, East Uttam Nagar, New Delhi-110075.
2. President/Secretary, Chopra CGHS Ltd., Plot No. 8, Sector-23, Dwarka, New Delhi- 110075.
3. ARCS, Housing Section-2, O/o RCS.
4. Incharge Computer cell to upload on the website of the Department.