

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

F.No.47/GH/Sec-6/RCS/CD No. 107687950/ 8476-79

Dated: 18/7/23

In the matter of:-

Printer CGHS Ltd.
(Through President/Secretary)

.....Petitioner

Versus

Pankaj Thakkar

.....Respondent

ORDER

1. This order shall dispose of the proceedings initiated vide Show Cause Notice dated 13.05.2022 issued under rule 20 of DCS Rules, 2007 r/w with section 41(d) of DCS Act, 2003 for cessation of membership of Sh. Pankaj Thakkar in Printer CGHS Ltd.
2. Whereas, the Printer Cooperative Group Housing Society is duly registered with the office of Registrar of Cooperative Societies and is governed by the provisions of Delhi Cooperative Societies Act, 2003 and Delhi Cooperative Societies Rule, 2007.
3. Whereas, a petition has been filed by Sh. Sandeep Kumar, Advocate on behalf of the Printer CGHS wherein he had prayed to cease the membership of Sh. Pankaj Thakkar on the account of disqualification as under rule 20 of the Delhi Cooperative Societies Act, 2003 read with section 41(d) of the Delhi Cooperative Societies Act, 2003.
 - (i) The petitioner had submitted that Sh. Pankaj Thakkar, respondent herein has owned three flats in the Society. Sh. Pankaj Thakkar, had purchased the flat No-C1/314, from the attorney in successor of the original member on 09.06.2000 and got the said flat freehold from DDA on 06.10.2004 through conveyance deed. Thereafter, the Respondent had applied for membership in the Society by executing the affidavit dated 26.09.2005 and in the said affidavit the Respondent have categorically mentioned:





“3. That neither I, nor my husband/wife nor any of my dependent relations including unmarried children is a member of any other House Building /Group Housing Society Functioning in Delhi/New Delhi/Delhi Cantt.

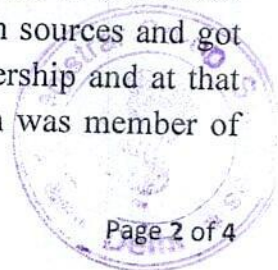
.....

5. That I will inform the said Society as well as the Lt Governor of Delhi within one month if any plot of land/ flat or house is acquired by me or my husband/ wife or any of dependant relations including unmarried children.
6. That neither I, nor my husband/ wife is a member of Hindu Undivided Family which owns either in full or part either on lease old basis or on freehold basis, any plot of land or house in Delhi/New Delhi/ Delhi Cantt....”

On the basis of the said affidavit and the application moved by the Respondent, the membership was transferred in his name on 01.12.2005 by the then Managing Committee of the Society.

- (ii) Sh. Sandeep Kumar, Advocate further submitted that, respondent's wife namely Smt. Vibhuti Thakkar also purchased flat No-C1/313, on 17.12.2007 from the original member through sale deed. But the respondent has not informed the Society regarding the purchase of said flat by his spouse, hence the respondent have violated the clause-5 of his affidavit dated 26.09.2005. He also submitted that as per records of the Society, on 15.05.1995, respondent's father Sh. Jetha Lal Thakkar had also purchased the flat No-C1/209, in the society from the original member through General Power of Attorney and subsequently got the said flat freehold from DDA through conveyance deed dated 28.07.2005. Sh. Jetha Lal further applied for the membership which was transferred in his name on 22.11.2015. The father of the Respondent died on 22.11.2015 and after his death, the Respondent along with his mother namely Smt. Vidya Thakkar and his sister namely Ms. Kalpna Mehta owned 1/3rd share in the said flat but vide relinquishment deed dated 20.01.2016, the Respondent and his sister relinquished their share in the said flat in favour of the Respondent's mother namely Smt. Vidya Thakkar, who subsequently took the membership in the Society on 28.02.2016. Hence he incurred disqualification under rule 20(1)(c)(i) of DCS Rules, 2007.
- (iii) Accordingly, notice for hearing was issued to the parties for personal hearing and submitting a reply.
- (iv) Sh. Pankaj Thakkar submitted a reply dated 02.06.2022 wherein he had stated that he purchased flat no. C-1/314 in the year 2000 from his own sources and got the flat freehold from DDA and subsequently applied for membership and at that period of time neither he nor his wife or any dependent children was member of





any other society. In the year 2007 his wife purchased on flat on sale deed. She never applied for the membership in the society as only one membership is allowed between husband and wife. In the year 1995 his father purchased a flat in the society and subsequently got his flat freehold and applied for membership and after the death of his father the rights of the same flat was transferred to my mother.

- (v) The society filed reply dated 22.10.2022 wherein the society submitted that as per society records Sh. Pankaj Thakkar acquired his flat in the year 2000, Ms. Vibhuti Thakkar W/o Sh. Pankaj Thakkar acquired her flat in the year 2007 and Sh. Jethalal Thakkar acquired his flat in the year 1995. These flats were acquired on power of attorney or sale deed or agreement to sell as no allotment was made to them by DDA.'

That the previous M.C. totally ignored the Rule 20 Sub Rule 1 clause c(i)(a)(b) where rule clearly says that disqualification shall not be applicable,

- (a) in case of co-sharers of property whose share is less than 66.72 sq. metres of land; or if the residential property devolves on him by way of inheritance;
- (b) in case of a person who has acquired property on power of attorney or through agreement for sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned;

Findings:

It is noted that Sh. Pankaj Thakkar is holding membership against the flat no. C1/314 which he had purchased in the year 2000 through sale deed, one flat No. C1/313 was purchased by his wife Smt. Vibhuti Thakkar through sale deed in the year 2007 and one flat was purchased by his father Sh. Jetha Lal Thakkar through sale deed in the year 1995 and after death of his father, the membership gets transferred to her mother in the year 2016. It is further noted that Smt. Vibhuti Thakkar W/o Sh. Pankaj Thakkar is neither holding the membership of the society nor she applied for the membership of the society.

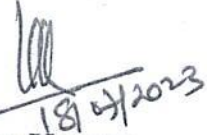
Conclusion:

On perusal of the file and replies of both the parties, I am of the opinion that Sh. Pankaj Thakkar does not attract any disqualification under rule 20 of DCS Rules, 2007 r/w with section 41(d) of DCS Act, 2003 as he is holding only one membership in the society against the flat which he purchased from the attorney in successor of original member. However, Smt. Vibhuti Thakkar W/o Sh. Pankaj Thakkar is owner of another house in the same society which she purchased from original member. But,



she had never applied for the membership in the society. Consequently, Sh. Pankaj Thakkar has only one membership in his family which is in his name. Hence, the petition of the society for cessation of membership of Sh. Pankaj Thakkar is dismissed.

Ordered accordingly.


18/07/2023
Krishan Kumar
Registrar Cooperative Societies

Sent To:-

1. President/Secretary, Printer CGHS Ltd. Plot No. 18, Sector-13, Rohini, Delhi-110085.
2. Sh. Pankaj Thakkar, R/o Flat No. CI/314 Printer CGHS Ltd. Plot No. 18, Sector-13, Rohini, Delhi-110085.
3. ARCS, Housing Section-6, O/o RCS, Parliamnet Street.
- ✓ 4. Incharge computer cell for uploading on the website of the department.