

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

F.47/1417/GHW/Section-1/RCS/6011-6017

Dated: 14/9/23

In the matter of :-

SH. JAGDISH PRASAD

..... COMPLAINANT

Versus

SH. GOPAL BANSAL

In Reg: VIKRAM CGHS LTD
BELUR CGHS LTD

.....RESPONDENT

ORDER

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 01.06.2018 issued under Rule 20 of DCS Rules, 2007 against Sh. Gopal Bansal Member of Belur CGHS Ltd.

Whereas, a complaint dated 29.12.2017 has been received alleging to disqualify Sh. Gopal Bansal S/o Sh. Shyam Lal from the membership no. 276 in Belur CGHS Ltd. as his spouse Smt. Reena Bansal was a member in Vikram Nagar CGHS Ltd. with the Membership No. 258, which constitute violation of Section 87 of DCS Act, 2003 & Rule, 20 of DCS Rules, 2007.

Whereas, ARCS (Section-8/Housing) has confirmed vide his letter dated 05.02.2018 that Smt. Reena Bansal W/o Sh. Gopal Bansal was enrolled as member in Vikram CGHS vide resolution dated 15.09.2000 & her name was forwarded to DDA and vide draw of lots held on 31.03.2002, Flat No. A-001 was allotted to her. Later her spouse Sh. Gopal Bansal became a member in Belur CGHS Ltd. on 10.06.2001 which is a violation of rule 20 of DCS Rules, 2007.

Whereas, Sh. Gopal Bansal filed a reply on the Show Cause Notice wherein he has submitted that his wife Smt. Reena Bansal became the member of Vikram Nagar CGHS Ltd. in 25.09.2000 in her own right from her own source of income and she has been filing ITR since 1995 and she was allotted a flat No. A-001 in the draw of lots held by DDA on 15.09.2002. However, Smt. Reena Bansal did not take the possession of said flat and also on coming to know about the restrictions she resigned from the membership of Vikram Nagar CGHS Ltd. on 15.01.2003 which was accepted by the Vikram Nagar Society on 30.01.2003 and her deposits were refunded by the society on 12.04.2003.



He further submitted that he has been enrolled as a membership on 10.06.2001 but actually become member in 2003, he submitted his prescribed affidavit on 02.10.2003 and his membership was approved on 28.11.2003 and the society issued him share certificate on 15.12.2003.

Further a status report has been filed by ARCS housing Section-1 wherein it was submitted that Sh. Gopal Bansal became member of Belur CGHS Ltd. on 10.06.2001 whereas his wife became member in Vikram Nagar CGHS Ltd. on 15.09.2000. The memberships of Sh. Gopal Bansal was cleared on 18.07.2017 by this office and forwarded to DDA for Draw of Lots. Further this office, vide letter dated 11.05.2018 and 31.08.2018 have informed DDA that the complaint regarding his membership are sub-judice before the Court of RCS therefore the process of allotment of flat to Sh. Gopal Bansal may be kept in abeyance till final decision, despite this the allotment of flat no. 404 in favour of Sh. Gopal Bansal was done by the DDA. Further in response to this office letter dated 31.08.2018, DDA vide letter dated 26.10.2018 has informed that the allotment of Flat No. 404 has been kept in abeyance till final decision of RCS.

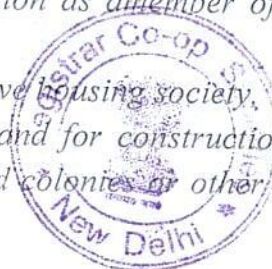
Whereas, a reply dated 01.05.2019 has been filed by Secretary of Vikram Nagar CGHS Ltd. wherein the society submitted that Smt. Reena Bansal was a member of Vikram Nagar CGHS Ltd. vide membership No. 258 and was allotted a Flat A-001 in draw of flats conducted on 31.03.2002. Further the society submitted that Smt. Reena Bansal resigned from the membership of the Society and the resignation was accepted by the Managing Committee in its meeting held on 30.01.2003. Thereafter, a letter dated 06.05.2003 was sent by the Society to the ARCS (South West) containing a list of 9 members whose resignation had been accepted by the society and name of Mrs. Reena Bansal appears in the list.

I have carefully perused the submission made by Sh. Gopal Bansal and Vikram Nagar CGHS Ltd., Documents submitted by them and various status report filed by ARCS of Concerned Branches. It is noted that Smt. Reena Bansal became a member of Vikram Nagar CGHS Ltd. on 15.09.2000 and resigned from the membership of the society on 15.01.2003 while Sh. Gopal Bansal became the member of Belur CGHS Ltd. on 10.06.2001. Hence, it clearly shows that for a period of time they both were the member of respective societies which is a violation of Rule 20(1) (c) (i) of DCS Rules, 2007 which reads as under:

"20. Disqualification of membership

(1). No person shall be eligible for admission as a member of a co-operative society if he:-

(c) In the case of membership of a co-operative housing society,
(i) owns a residential house or a plot of land for construction of residential house in any of the approved or un-approved colonies or other localities in the



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National Capital Territory of Delhi, in his own name or in the name of his spouse or any of dependent children, on lease hold or free-hold basis or on power of attorney or on agreement for sale."

It is also a fact that Smt. Reena Bansal got the allotment of flat No. A-001 by DDA on 31.03.2002 against her membership no. 258 in Vikram Nagar CGHS Ltd. However, she had never taken the possession of the flat and instead resigned from her membership on 15.01.2003 which was duly accepted by the society and she got the refund of dues from the society. Hence, from the records filed by the respondents and submissions made by the parties during the proceedings, it is clear that she has not taken any benefit on account of the membership of the society neither she was in possession of the Flat in Vikram Nagar CGHS Ltd. In view of the same and considering the peculiar facts of the case, I am of the opinion that Sh. Gopal Bansal does not incur any disqualification Under Rule 20 of DCS Rules, 2007.

Ordered accordingly.



[Signature]
13/09/2023
Krishan Kumar
Registrar Coop. Societies

Sent To:-

1. Sh. Jagdish Prasad, R/o I-11 Gali No.5 Surya Vihar Delhi-110090
2. Sh. Gopal Bansal, R/o 255, Aggarwal City Plaza, (Near M2K Cinema) Rohini, Delhi-110085
3. The President/Secretary, Belur CGHS Ltd., Plot No. 1, Sector-18A, Dwarka, New Delhi-110078
4. The President/Secretary, Vikram CGHS Ltd., Plot No. 14, Sector-12, Dwarka, New Delhi-110078
5. ARCS (Housing Section-1) O/o RCS.
6. ARCS (Housing Section-8)
7. Incharge Computer Cell to upload on website of the Department.