

OFFICE OF THE DY. REGISTRAR COOPERATIVE SOCIETIES,
GNCT OF DELHI, OLD COURT BUILDING,
PARLIAMENT STREET, NEW DELHI-110001

F.DRCS/U/s-139/125/2022/6366

Dated: 26/09/23

IN THE MATTER OF:-

Ms. Mahanaz Ansari
3/702. Jaypee CGHS Ltd., Plot No. 2
Sector-22. Dwarka, New Delhi -110077

.....Appellant

Versus

President/Secretary
Jaypee CGHS Ltd.
Plot No.27, Sector -22, Dwarka
New Delhi-110077

.... Respondent

Order under Section 139 of DCS Act, 2003

Whereas an appeal dated 12/09/2022 has been filed u/s 139 of DCS Act, 2003 by Ms. Mahanaz Ansari against the President /Secretary of Jaypee CGHS Ltd. stating non furnishing of the required information to the appellant against his application dated 04/08/2022.

And whereas an order no. F.DRCS/U/s 139/125/2022/489-90 dated 23/03/2023 was passed by the Appellate Authority inter alia directing the Respondent society to provide the required information within 15 days of receipt of this order. Failing which the penalty proceedings under relevant provision of DCS Act, 2003 read with DCS Rules 2007 may be initiated.

And whereas the appellant vide her letter dated 13/04/2023 had stated that the society has defied the order dated 23/03/2023 of Appellate Authority which indicated that society is not willing to furnish the information to the appellant despite the directions issued by Dy. Registrar and thus violated the provisions of Section 139 of DCS Act, 2003 red with Rule 165 of DCS Rules, 2007.

And whereas a Show Cause Notice (SCN) dated 10/05/2023 was issued to the President/secretary of the Society to explain as to why penalty in terms of provision of u/s 139 of DCS Act, 2003 read with rule 165 (8) of DCS Rule, 2007 should not be imposed upon him for defaulting in furnishing of information to the Appellant. An opportunity of being heard was also provided to the parties in petition on 03/08/2023.

And whereas hearing conducted on 03/08/2023 was attended by Ms. Mahanaz Ansari Appellant and one Sh. Joginder for the Society. Sh. Joginder stated member of society did not authorize him.

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Since the requisite information has not been provided by the Respondent Society till date, it is apparent that Management Committee/information officer has defied order of this court despite providing sufficient opportunities.

In an appeal under section 139, the Hon'ble High Court, Delhi in the matter of Mr. D K Rustogi Versus Registrar Cooperative Societies & Anr. has held as follows:

"The Co-operative Society is a body created by a group of persons collectively to achieve a particular object, and it must manage its affairs in a democratic way in compliance of the Act in the Rules. The Co-operative Society is a body which has to maintain complete transparency in its functioning. All its actions are taken in a democratic way through managing committee and its office bearers, who are answerable to the general body of members. There is no activity or action that a Co-operative Society may take, about which it can maintain any secrecy. A member of Co-operative Society would, therefore, be entitled to seek any information in relation to any transaction of the Co-operative Society. This right has been extended even to a creditor, since he has a stake in the financial affairs of the Co-operative Society."

In this case the appellant is a member of the Co-operative Society, and her right to seek information in relation to the transactions of the cooperative society cannot be denied. Accordingly, I conclude that in this case the society has defaulted in providing the information to the appellant, despite affording reasonable opportunity. Accordingly a penalty of Rs.10,000/- (@Rs.250/- per day till information is furnished) is imposed under section 139 of DCS Act 2003 read with Rule 165 (8) of DCS Rules 2007. The penalty so imposed shall be recovered from the personal pocket of the committee members or concerned information officer as arrears of land revenue. The amount so recovered shall be deposited in the Co-operative Education Fund of Registrar Cooperative Societies within 30 days of the receipt of this order.

Appeal is disposed of accordingly.


(PRADEEP KUMAR)
DY. REGISTRAR

F.DRCS/U/s-139/125/2022/

Dated:

Copy to:-

1. The Assistant Registrar (Computer Cell), O/o Registrar Cooperative Societies, with the direction to upload the order on the website of the department.


(PRADEEP KUMAR)
DY. REGISTRAR