

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/ARH/1385-GH/SEC-II/RCS/2018/6149-6152

Dated: 22/09/2023

NOTICE

In the matter of:-

DELHI STATE NEWSPAPER CGHS LTD.

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 21.01.2019 under section 87 of DCS Act, 2003 against Sh. Shiv kumar Sharma, Sh. Bharat Sharma and Smt. Dimple Sharma all members of Delhi State Newspaper Employees Federation CGHS.

Whereas, this office had received a letter dated 09.05.2017 from Sh. J.B. Kapil, Administrator of Delhi State Newspapers Employees Federation CGHS Ltd (Regd. No. 1305-GH) enclosing therewith a complaint dated 09.05.2017 filed by Sh. Abhishek Sehrawat against Sh. Shiv Kumar Sharma who while being member of the society, also obtained the membership in the name of his son Mr. Bharat Sharma and daughter Ms. Dimple Sharma who were college students at the time of their membership and were probably not having any source of Income. It was alleged that though the cost of the flat i.e. Rs. 67.20.000- had been claimed to be paid by Sh. Bharat Sharma to the society still an amount of approximately Rs. 95 Lacs had been deposited in the account of the society by the purchaser of the said flat instead of making the payment to the seller giving rise to the suspicion that these flats were benami flats of the builder of the society. Copies of the letter received from the Administrator dated 09.05.2017 and the complaint made by Sh. Abhishek Sehrawat dated 09.05.2017 are enclosed herewith.

And whereas. Sh. Pawan Kumar. Dy Director, Urban Development Department had been appointed as Inspection/Inquiry Officer under Section 61 of DCS Act, 2003 vide order dated 21.11.2017 to inquire into the issues raised by the complainant as above.

And whereas, the Inspection/Inquiry Officer vide his report dated 19.02 2018 (copy enclosed) informed that notices were issued on 08.01.2018, 30.01 2018 and 12.02.2018 to Sh. Shiv Kumar Sharma. Mr. Bharat Sharma and Ms. Dimple Sharma and several telephonic calls were also made to them but they failed to pick or reply the calls and also despite receiving the above mentioned notices. They failed to appear and file their reply along with documents sought by the Inspection/Inquiry Officer.



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Whereas, the Inspection officer/Inquiry officer has observed that from the conduct of the Sh. Shiv Kumar Sharma, Sh. Bharat Sharma and Ms. Dimple Sharma, it appears that they don't want to file reply and cooperate in the inspection proceedings, hence it can be presumed that the allegations levelled by Sh. Abhishek Sehrawat in the complaint are true and thus the Inspecting Officer/Inquiry Officer requested RCS to take appropriate legal action as per DCS Act and Rules for cancellation of allotment of their membership and flats.

Whereas, Sh. Shyam Sunder Dalal filed reply on behalf of Sh. Shiv Kumar Sharma wherein he submitted that:

- (i) The present proceedings against the answering respondent are abuse of process of law and liable to be dismissed on this ground. It is submitted that prior to the initiation of the proceedings comments ought to have been sought from the answering respondent which could have facilitated the Hon'ble Court to find out as to whether the answering respondent is a member of the society as on date or not. It is submitted that as on date the answering respondent is not a member of the society as he had already sold the flat to Sh. Jai Saini & Ramesh in 2015 .Hence, the present proceedings against the answering respondent are non-est in the eyes of law.
- (ii) The present proceedings are also abuse of process of law as after the sale of the flat, the answering respondent ceases to be a member of the society in terms of Section 41 of the DCS act, 2003. Section 41.
- (iii) The case of the answering respondent is covered by provision (c) of Section 41 as upon sale of the flat, entire share stands transferred to the purchaser of the flat. The said flat is under the ownership and occupation of the purchaser who has acquired his title to the flat by way of a Sale Deed.

In view of the above and after perusal of the submissions made by the parties, it is noted that the Sh. Shiv Kumar Sharma, (M.NO.402)member of the said society has sold his flat in 2015 and is no longer a member of the society as per section-41 of DCS Act, 2003. Hence, the present proceedings u/s 87 of DCS Act, 2003 for cessation of membership against Sh. Shiv Kumar Sharma become infructuous and accordingly dismissed.

Further, with regard to the membership of Sh. Bharat Sharma (M.NO. 388) it was mentioned that he sold his flat and the purchaser of the said flat deposited approx 95 lac in the accounts of the society rather than giving it to the seller i.e. Sh. Bharat Sharma, rising suspicious that the flat is a Benami flat of the Builder. However, no relevant documents have been put on record by the complaint which supports his claim and in absence of the same it cannot be proved that the said flats were the benami property of the Builder. It is pertinent to mention here that no documentary



evidence has been put forth by the complaint which supports his claim that Sh. Bharat Sharma and Ms. Dimple Sharma (M.NO. 403) do not have any income to purchase the said membership. Furthermore it is mentioned that as Sh. Bharat Sharma and Ms. Dimple Sharma has sold their flats, they no longer be the member of the society as per section-41 of DCS Act, 2003. Hence, the present proceedings u/s 87 of DCS Act, 2003 for cessation of their membership become infructuous and accordingly dismissed. Ordered accordingly.



21/09/2023
Krishan Kumar
Registrar Cooperative Societies

Sent To:-

1. Mr. Shiv Kumar Sharma, Mr. Bharat Sharma and Ms. Dimple Sharma through Administrator of Delhi State Newspaper Employees Federation CGHS Ltd., Plot No. 01, Sector-19, Dwarka, New Delhi-110075.
2. Mr. Abhishek Sehrawat, Lawyers Chambers No. 314, Distt. Court Dwarka, New Delhi-110075.
3. ARCS, Housing Section-4, O/o RCS
4. Incharge Computer Cell