

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

No. 47/1765/GH/W/C.D No. 107322797/Section-1/6160-6168

Dated: 22/09/2023

ORDER

In the matter of:-

BALJEET NAGAR PURSHARTHI CGHS LTD.

This order shall dispose of the proceedings initiated vide SCN dated 02.01.2019 issued under section 66(2) of DCS Act, 2003.

Whereas, Sh. K.N. Taneja, the then President of the society vide letter dated 02.09.2013 made various financial allegations on the working of the previous M.C. of the society for the period 01.04.1997 to 31.03.2010, on the basis of audit reports/objections.

Whereas, considering the facts and circumstances of the case, Sh. Ajay Chagti was appointed as the I.O. U/s 62 of DCS Act, 2003. The I.O. submitted his report on 23.02.2018. Thereafter, Sh. P.C. Jain was appointed as I.O. u/s 66(1) of DCS Act, 2003 who submitted his report on 07.09.2018, establishing various irregularities and violation of DCS Act and Rules by the previous M.C. of the Society and held that Sh. Darshan Lal, Sh. Chaman Lal, Sh. K.L. Gaba, Sh. Kewal Kishan and Sh. P.R. Biala were responsible for various financial irregularities as brought out in the Inquiry Report dated 07.09.2018.

Whereas, Sh. P.C. Jain Inquiry Officer u/s 66(1) of DCS Act, 2003 in his report dated 07.09.2018 made the below mentioned findings:

I have gone through the Inquiry Report u/s 62 of Sh Ajay Chagti, further replies and counter replies as filed by the respondents and complainants during the Injury proceedings u/s 66 and have also heard them. Following conclusions are drawn:

1. DEBIT BALANCE OF RS.5183/-

The defence in this regard as given by the defendants was not convincing and no new information / facts could be brought on record during the course of these inquiry proceedings. "Therefore, the defendants Sh.Darshan La., Sh.Chaman Lal, Sh.K.L.Gaba, Sh.Kewal Kishan and Sh.P.R.Biala are responsible for this irregularity.

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The argument of Sh.K.L.Gaba that he took over as Secretary after 4/11/2006 whereas the mismatch in the accounts related to the period 1/4/1997 to 31/3/2004, does not help him much as a duty was cast on him as Secretary of the society even in the subsequent years to look into this amount which had been shown under the assets side of the balance sheet year after year without knowing actual reasons / explanation for this. The same argument holds good for Sh.Kewal Kishan. Sh.P.R.Biala was in the management till 2003 and the issue of debit balance of Rs.5183/- in the suspense account has been hanging fire since 2003-04, hence he also cannot be absolved of his responsibility.

2. DIFFERENCE OF RUPEES 12540 IN THE OPENING BALANCE WITH UBI: Sh. Kewal Kishan has given his own calculations for this difference in his reply but it does not throw much light on the issue with clarity as he has left certain queries unanswered like:

(a) Why was, an amount of Rs.3000/- withdrawn by the management on 11/5/2009 and how it was made use of?

(b) What was the repercussion of the wrong adjustment entry of Rs.5000/- allegedly made by the Accountant of the auditors of the society on 3/4/2009 and how was it possible for an auditor to linker with the actual books of accounts and why could management not raise any voice to protest against it?

(c) Details like cheque numbers, dates and purpose of the seven cheques as mentioned by Sh. Kewal Kiphan in his reply have not been provided. Except the above, no new dimension could be added in their replies by the defendants

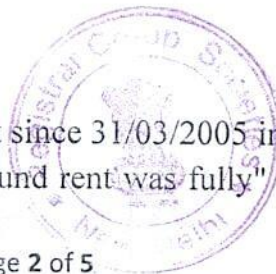
Therefore, Sh. K.L.Gaba, Sh.Kowal Kishan, Sh.Darshan Lal and Sh.Chaman Lal are responsible for this irregularities. Sh.P.R.Biala cannot be held responsible for this lapse as he was in management till 2003 only and this objection/irregularity pertains to the year 2010.

3. DIFFERENCE IN. BALANCE AMOUNT OF SHARE MONEY (RS.2,22,000):-

Again, no new fact with documentary evidence could be brought on record to disprove this allegation. Whatever submissions were made by the respondents were not logical and plausible and were not supported with any record/evidence. Therefore, Sh. K.L.Gaba, Sh. Kewal Kishan, Sh. P.R.Biala, Sh. Darshan Lal and Sh. Chaman Lal all are responsible for this irregularity.

4. GROUND RENT OF RS.76,000/- :

This has been shown recoverable amount since 31/03/2005 in the balance sheet. It was revealed during the proceedings that ground rent was fully paid to the DDA but still



shown recoverable in the accounts since March 2005. Cogent reason for this could not be given by the respondents during the proceedings. Hence, Sh.K.L.Gaba, Sh. Kewal Kishan, Sh. P.R.Biala, Sh. Darshan Lal and Sh. Chaman Lal all of them are responsible for this irregularity also.

Accordingly, Show Cause Notice dated 02.01.2019 u/s 66(2) of DCS Act, 2003 was issued to the then Managing Committee members of the society.

Whereas, Sh. P.R. Biala filed reply dated 16.02.2019 to the Show Cause Notice wherein he had submitted that the society under the President ship of Sh. K.N. Taneja in 2012, had issued no dues/Objection Certificate to members stating that the Ground Rent was collected and duly deposited in SBI. It shows that till 2012, there was no problem of any kind. He further submitted that Share money account with the DCHFC went on decreasing over the period as and when Loan repayment was done by the members of the society. The refunded money received from DCHFC was duly paid back to members. As such, point raised on Share Money is not justified.

Sh. Kewal Kishan and Sh. Darshal Lal filed a joint reply wherein with regard to the debit balance of Rs. 5183/- they submitted that the said amount was received as retention money by the society from DCHFC after one of the member of the society cleared his loan amount. The said amount is stated to have been given to one member Sh. Amar Nath. Hence, the issue in hands stands settled and needs to be dropped.

With regard to difference of Rs. 12540/- Sh. Kewal Kishan and Sh. Darshan Lal submitted that Administrator was running the affairs of the society when the elections were held in the society. Thus they are not in a position to clarify the withdrawal of Rs. 3000/- on 11.05.2009 and adjustment of Rs. 5000/- on 03.04.2009.

Further with regard to the difference of Share money they submitted that the society took loan from the DCHFC and for the purpose of loan, Share money was increased from Rs. 100 to Rs. 3100/- for 74 members. Any member who cleared the loan amount, DCHFC used to refund the retention money of Rs. 5185/- of most of the members. Further, they submitted that Sh. P.R. Biala and Sh. Chaman Lal were authorized signatories in the bank and thus these two person can clarify the difference in the Share Money.

With regard to allegation of Ground Rent of Rs. 76000/- they submitted that the I.O. in his report has categorically held that the ground rent stands duly paid to DDA. Hence, the said issue stands settled.

Whereas, Sh. P.R. Biala filed reply dated 20.03.2019 to the SCN wherein he had submitted that there was no such huge amount available anywhere in bank account & as such misappropriation of Share Money does not arise. The only Share Money, was



with DCHFC and the value was reduced by them as and when members paid back their part of loan. The money received back from DCHFC used to be paid back to individuals.

Whereas Sh. Chaman Lal filed reply dated 25.06.2019 to the SCN wherein he had submitted that society took loan from DCHFC and for the purpose of loan, share money was increased from Rs. 100/- to 3100/- for 74 members ($3100/74 = 229900/-$) and returning the loan increased share money suppose to be return after deduction of Rs. 100/- per member as Share Money. However, the said amount has not been paid to the members till date, nor it has been clarified by the old M.C. that where the said amount has been kept by the old M.C. the said amounts only reflects in the Audit report and nowhere it has been mentioned by the old M.C.

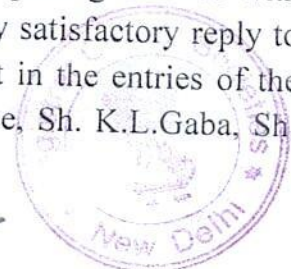
Whereas, Sh. K.N. Taneja, complainant has filed rejoinder to the replies of Sh. Darshan Lal and Sh. Kewal Kishan wherein he had submitted that the amount of Rs. 5183/- is shown under the suspense account of the as recoverable not payable and the respondents are wrongly tried to mismatch to different nature items to cover up there default.

The audit report of the society for the period of 2021-21 was perused and it was noted that the Auditor made the following observations:

1. The society is periodically reconciles its account with the accounts of the members at the close of the year. We have not observed any material discrepancy. However, there is an old difference of 9540/- in the UBI bank. Which is due to two entries of 12540 and 3000/-.
2. Suspense account of 281900.30/- as shown in assets side of Balance Sheet, Should be cleared by society after tracing the necessary record/details in that regard. During the year 269953/- suspense account increased. Current M.C. says that previous M.C. of the society did not have this amount.

In view of the above, and after perusal of the replies and submissions made by the parties and reports of I.O. and Audit reports of the society the following conclusion has been made.

- (i) With regard to Debit balance of Rs.5183/- it is noted that none of the respondents are able to give any satisfactorily reply to the same. Hence, Sh. Darshan La., Sh. Chaman Lal, Sh. K.L.Gaba, Sh. Kewal Kishan and Sh. P.R.Biala are responsible for this irregularity.
- (ii) With regard to the Difference of Rs.12540/- in the opening balance with UBI: it is noted that none of the respondents filed any satisfactory reply to the same and the difference of Rs. 9540/- still persist in the entries of the UBI bank as per the Audit report of 2020-2021.Hence, Sh. K.L.Gaba, Sh.

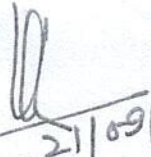


Kewal Kishan, Sh. Darshan Lal and Sh. Chaman Lal are responsible for this irregularity.

- (iii) With regard to difference in balance amount of Share Money of Rs.2, 22,000/- in this regard it is noted that the respondents submitted that share money was increased to Share money was increased from Rs. 100 to Rs. 3100/- for 74 members. Any member who cleared the loan amount, DCHFC used to refund the retention money of Rs. 5185/- of most of the members. However, none of them is able to clarify that whether the said amount has been returned to members or not, and if not returned then where this amount has gone. Hence, in view of the same Sh. K.L. Gaba, Sh. Kewal Kishan, Sh. P.R.Biala, Sh. Darshan Lal and Sh. Chaman Lal all are responsible for this irregularity.
- (iv) With regard to ground rent of Rs.76, 000/-: it is noted that this has been shown recoverable since 31/03/2005 in the balance sheet. Further, it was mentioned by the I.O. that ground rent was fully" paid to the DDA but still shown recoverable in the accounts since March 2005. If the amount has been collected for the members and deposited to DDA, then why the same has been shown as recoverable. Hence, on this point also none of the respondents are able to file any satisfactory reply and in view of the same Sh. K.L.Gaba, Sh. Kewal Kishan, Sh. P R Biala, Sh. Darshan Lal and Sh. Chaman Lal all of them are responsible for this irregularity also.

Ordered accordingly.




21/09/2023
Krishan Kumar

Registrar Cooperative Societies

Sent To:-

1. The Administrator/President/Secretary, Baljeet Nagar Pursarathi CGHS Ltd. 1, Manav Apartments, A-3, Paschim Vihar, New Delhi-110063.
2. Sh. Darshan Lal R/o Flat No. 56, 1, Manav Apartments, A-3, Paschim Vihar, New Delhi-110063.
3. Sh. Chaman Lal R/o Flat No. 67, 1, Manav Apartments, A-3, Paschim Vihar, New Delhi-110063.
4. Sh. K.L.Gaba R/o Flat No.11, 1, Manav Apartments, A-3, Paschim Vihar, New Delhi-110063.
5. Sh. Kewal Kishan R/o Flat No.17, 1, Manav Apartments, A-3, Paschim Vihar, New Delhi-110063.
6. Sh. M.M. Malhotra R/o Flat No.63, 1, Manav Apartments, A-3, Paschim Vihar, New Delhi-110063.
7. Sh. P.R. Biala R/o Flat No. A-613, Palam Vihar, Gurgaon, Haryana -122017.
8. ARCS-Housing Section-1, O/o RCS, Parliament Street.
9. In-charge Computer Cell for uploading on the website of the Department.