

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

F.No.: 47/179/APPEAL/RCS/2131-35
CD No.: 107741553

Dated.: 30/11/23

IN THE MATTER OF:

Ashok Kumar Aggarwal & another

.....Complainants

Versus

Ved Janak Cooperative Group Housing Society Ltd.,
(through President & Secretary)

.....Respondent

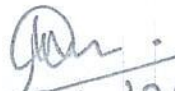
ORDER UNDER SECTION 61 OF DCS ACT 2003

By the present Order I shall dispose off the proceedings initiated under Section 61 of the DCS Act 2003 against the society Ved Janak Cooperative Group Housing Society Ltd., and its Managing Committee Members pursuant to complaint dated 03.06.2023 received in this Office on 05.06.2023.

BRIEF FACTS OF THE CASE

The complainants namely Sh Ashok Kumar Aggarwal and Sh Ashok Kumar Kilam have made a complaint dated 03.06.2023 complaining of the following issues:-

- i. Audits of the Financial Years and AGBM complaining that there is undue delay in conduct of audits and conducting of AGBM.
- ii. Embezzlement/Misappropriation of the society's fund by the Management Committee.
- iii. Refusal to Share Society Records
- iv. Lack of Transparency


26/11/2023

- v. Financial Irregularities/misappropriation qua Society's Insurance.
- vi. Gross Irregularities in the Bookings of the Guest House and Resultant Loss.
- vii. Opaqueness/Manipulation of Financial Records and Cash Transactions without Proper Records.
- viii. Legal Notice dated 18.01.2023 demand seeking cessation of detrimental and illegal activities and reparation of loss caused to the society.


Various documents have been annexed by the complainants with their complaint.

REPLY OF THE SOCIETY

The society submitted its reply dated 17.08.2023. It raised various preliminary objections stating that one of the complainants namely Sh Ashok Aggarwal lost elections held in October 2022 and ever since has been making fake allegations to malign the image of MC which enjoys the support of the members. They have further stated that "NO CONFIDENCE MOTION" moved against the President and Vice President got defeated by vote of non confidence by the members on 17.10.2021. They have annexed a copy of Agenda Notice dated 01.10.2021 issued by the Observer to holding of SGBM on 17.10.2021

REJOINDER OF THE COMPLAINANTS

The complainants have filed a rejoinder dated 12.09.2023 to the reply filed by the society. They have annexed a copy of the Observers Report dated 17.10.2021 for the SGBM conducted for the purposes of No Confidence Motion against the President and the Vice President. The concluding para of the report states that "*Therefore, the Motion of "No Confidence" against the President and Vice President has failed.*"


28/9/23

Hearings were held on 17.08.2023, 14.09.2023 and 19.10.2023. I have gone carefully through the complaint, reply and rejoinder on record. I have heard the arguments

CONCLUSION:-

The relevant provision of Section 61 of DCAS Act 2003 is reiterated below:-

61. (1) The Registrar may, on the request made by a creditor or, not less than one thirds of the members of the committee, or not less than one fifths of the total number of members, of a co-operative society, undertake inspection of a co-operative society or class of co-operative societies by general or special order in writing and authorize any person by order in writing in this behalf, to make an inspection into the constitution, working and financial condition of a co-operative society.

** Provided that where a serious complaint is made by a member or a public servant in writing about the affairs of a co-operative society or committee or office bearers, to the Registrar or to any person authorized by him in this regard not below the rank of Joint Registrar and if the Registrar is prima-facie satisfied, after recording his views in writing and affording an opportunity to the person against whom complaint has been made, he may order an inspection in respect of only issue or issues as the case may be, raised in the complaint and the inspection shall be conducted by a person not below the rank of an Assistant Registrar.*

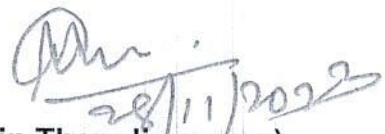
In the present case, the complaint in question has been filed by two members of the society only. Moreover, the No Confidence Motion against the President and Vice President did not succeed. Number of votes to support the motion against the President were 24 and those against the motion were 47. Number of votes to support the motion against the Vice President were 27 and against the motion were 44.

Amr.
24/11/23

From the perusal of the complainants and documents annexed with the complainants, I do not find any complaint to be serious in nature so as to invoke the proviso of Section 61 of DCS Act 2003 to initiate Inspection Proceedings on the complaint of just two members of the society.

In view of the nature of complaints, reply and rejoinder on record, after going through all the material on record and having heard the arguments from both the sides, taking into consideration that the No Confidence Motion against the President and Vice President could not succeed and holding that the complaints are not of serious nature to invoke proviso of Section 61 of DCS Act 2003, I am of the considered opinion that no case for initiation of Inspection under Section 61 of the DCS Act 2003 is made out in the present case based on the complaint dated 03.06.2023 under consideration.

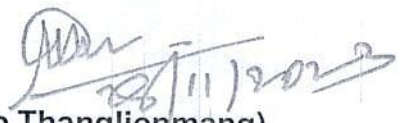
It is ordered accordingly.



(Dr. T. Philip Thanglienmang)
Special Registrar Cooperative Societies

Copy to:-

1. Sh Ashok Kumar Aggarwal, 224 Akashdarshan Apartments, Mayur Vihar Phase-I, Delhi-110091
2. Sh Ashok Kumar Kilam, Flat No.: 1101, Tower 2, Vipul gardens, Sohna road, Sector 48 Gurugram-111018
3. Ved Janak CGHS Ltd., (Through President/Secretary), Akashdarshan Apartments, Plot No.12, Patparganj, Mayur Vihar Phase-I, Delhi-110091
4. AR(Section-VIII)
5. In-charge (Computer Cell) for uploading on website



(Dr. T. Philip Thanglienmang)
Special Registrar Cooperative Societies