

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

F.No.47/1369/HB/AR/Sec-6/RCS/2023/7809 - 7813

Dated: 24/1/24

**Order**

In the matter of:

Panchshila Cooperative House Building Society, Ltd.  
Through President/Secretary

.....Complainant

**Regarding: Handing over/taking over of the records.**

This order shall dispose of the proceedings initiated vide notice dated 01.09.2023 on the complaint of the society dated 17.02.2023.

Whereas, a representation dated 17.02.2023 has been received from the Secretary of Panchshila Cooperative House Building Society Limited., regarding the intimation of non-handing over or taking over of records by the former President of the society.

Further, the above-mentioned representation has been sent to Sh. H.R. Vaish, Ex-President of the society, for providing point wise comments / clarification on the issues raised by the Honorary Secretary of the Society. Thereafter, Sh. H.R. Vaish has filed a reply dated 15.05.2023 wherein he states that, as regards the handing over, society may be directed to share the handing over notes given by the successive Managing Committee as well as the handing over note and Annexures given to the present Managing Committee last year, duly signed by me, which has apparently been concealed by the society from this office.

302/AR/IT  
29/1/24  
Further, on hearing dated 14.09.2023, before the predecessor of this court, Sh. H.R. Vaish submitted that the Ex-M.C has already handed over the charge to the New Managing Committee. He further submitted that he usually uses his personal computer for society related work and therefore some related data may be stored on his computer and that being a member of the society, he is also eligible for that data through RTI. He also stated that why only he is asked for the aforesaid statement and not all the members of the Managing Committee. Accordingly, notices were issued to all the members of the Ex-M.C. of the society.

Sh. Pankaj Vats, Ex-Secretary of the society, filed a reply dated 14.12.2023, in which he submitted that at no given point in time during his tenure as the Honorary Secretary or member of the M.C. he carried or retained any official information or records related to the society.



Sh. Jasjit Singh, Smt. Sharmila Sood and Smt. Ragingi Mathur have filed a joint reply dated 14.12.2023 wherein they submitted that at no given point in time during their tenure as members of the Ex-M.C. they carry or retain any official information / records related to the society.

Sh. Rakesh Bhartia, Ex-Treasurer has filed his submissions through e-mail dated 09.12.2023, wherein he submitted that he was the treasurer and Chairperson of the Finance Sub-Committee until November, 2021. Thereafter, he ceased to be a member of any sub-committee. He further submitted that he never retained any society information and he was not an office bearer at the time of handing over of the society records and thus not involved in the process of the handing over.

Sh. H.R. Vaish, Ex-President has filed a written statement dated 14.12.2023, in which he submitted that:

1. The Society's stand is not supported by law for the following reasons:

- a) The role of the previous MC ended when the election results were declared. The responsibility of handing over, as per our byelaws, a copy of which was submitted in the last hearing, lies with the then Hony. Secretary, who is the custodian of records, and who, as it happens, continues to be on the MC. This situation is also reinforced by the Model Byelaws under the DCS Act, 2003. It is most surprising that the Complaint has been filed against the Ex- President and not against the Ex-Hony, Secretary.
- b) The paid Secretary employed by key members of the MC, who were also part of the MC during 2016-19, resigned immediately before the date of elections and did not handover to the previous MC as required in law. The Hony Secretary, now appointed, being neither an employee nor an elected representative, is also unlikely to handover to the next MC and will have no responsibility. This is not as per the scheme of the DCS Act, 2003, nor of our registered Byelaws. Hence, the complaint is void ab initio.
- c) The MC should also produce who all in the history of the Society have given the declaration, which has now been sought from the President, the reason why it has only been sought from the President and the provisions in the DCS Act and DCS Rules based on which the same has been sought.

2. The fact of the matter is that when he took over in 2019, the then previous MC very reluctantly did the handing over and all that they said was that everything is with the staff. On the handing over meeting held on 17.10.2022, the Honyop



Secretary, Mr. Pankaj Vats was not present. To avoid any delay, the handing-over note comprising about 56 pages, prepared by the staff, was handed over to the newly elected President. On seeing the voluminous document, he needed time to study it and hence did not sign the document. In view of this, he directed Mr. Rahul Kaushik, the Society Supervisor, to further update the handing-over note by numbering the pages and adding the following documents, which were with him and the Hony. Secretary, as per the knowledge of the Respondent:

- a) Up-to-date status of all legal cases.
  - b) Expert opinion on the issue of GST.
  - c) Enquiry reports in relation to B2C software issues.
  - d) Enquiry report on the status of Membership of the Society.
  - e) Khasra Khatoni of Shahpurjat obtained for the case of the Siri Fort wall.
  - f) Note with minutes of meetings in respect of the Rs. 17 lacs demand of the Vat Department.
3. This is clearly a case of personal vendetta, which some key members of the MC have against him on account of a Petition u/s 37 pending before the RCS since 2018, when the same Members were in the then MC. These members very well knew the principled stand of him to protect the interests of society. To hide their misdeeds and harass him, a mountain is sought to be created where there is not even a mole hill. The attempt is to get him disqualified from seeking election. Even during 2018-19 the same members of the MC tried to expel him from the Society, a plan that got thwarted after he got elected as President.

Further, on hearing dated 21.12.2023 before the undersigned, Sh. H.R. Vaish, stated that all the records of the society is still in the society office and he is not have any original records of the society. However, he may have a copy of some records, but the original / copy of the same is available in the society office.

Whereas, the counsel of the society Sh. Ashvin Shridhar has submitted that the society does not wish to file any reply to the written submissions of Sh. H.R. Vaish. He further stated that Sh. H.R. Vaish in his written submissions has not filed any statement to the effect that he has not taken any original / copy of record of the society. He furthermore submitted that Mr. H.R. Vaish should handover all records that is in his possession or should say that there is no record of the society in his possession.



The Court has examined the submissions made by both parties in light of the provisions of the Delhi Cooperative Societies Act, 2003 and Bylaws of the society. With regards to the issue of handing over of records, the Act and the bye-laws stipulate that the responsibility lies with the Honorary Secretary of the society, who is the custodian of records. The replies filed by the Ex-Secretary and other former MC member's state that they do not possess any of the society's records. The Ex-President has also clarified that the records remain with the society office.

The statement dated 21.12.2023 made by the Ex-President Sh. H.R. Vaish before this Court clarifies that he does not have any original records of the Society in his possession and the records continue to be maintained in the office of the Society.

In view of the above findings and submissions on record, no further action is warranted in the present application filed by the Society. The Court hereby disposes of the present application dated 17.02.2023 of the society, in the above terms.



  
**Anil Kumar Singh**  
**Registrar Coop. Societies**

**Sent To:**

1. President/Secretary, Panchshila Cooperative House Building Society Ltd., Panchshila Club Building, Panchshila Park, New Delhi-110017
2. Previous Managing Committee of the Society through President/Secretary, Panchshila Cooperative House Building Society Ltd., Panchshila Club Building, Panchshila Park, New Delhi-110017
3. Sh. H.R. Vaish, Ex-President, Panchshila CHBS Ltd. S-19, Panchshila Park, New Delhi-110017
4. In-Charge IT Cell for uploading on the website of the department
5. ARCS, Housing Section 6, O/o RCS