

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/NGH/1313/RCS/Sec-1/2296-2304
CD No.: 107625866

Dated.: 26/02/24

IN THE MATTER OF:

Gyanendra Kumar & Ors.,

.....Complainants

Versus

Bandhu Vihar CGHS Ltd.,
(through President & Secretary) & others

.....Respondents

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 Bandhu Vihar CGHS Ltd., and its past Office Bearers on complaint dated 27.02.2023 by various persons.

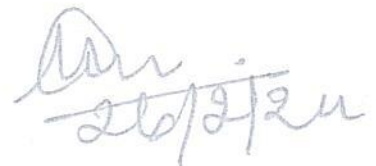
BRIEF FACTS OF THE CASE

Proceedings under section 61 of DCS Act 2003 have been initiated on representation dated 27.12.2022 received from four members of the Managing Committee namely Sh Gyanendra Kumar, Vice-President, Ms Madu Tandon, General Secretary, Sh Anish Malhotra, Treasurer and Sh Ranbir Singh, Member of MC based on complaint dated 26.12.2023 signed by fourteen members of the society addressed to the MC of the society which states that:-

" We the signatory to this letter would request you to kindly recommend RCS Office to order for inspection U/S 61 of Delhi State Co-operative Society Act-2003 & DCS 2007, of our Society Bandhu Vihar GCHS Ltd, Plot No.-11, Sec.-10, Dwarka, Delhi-110075 against the Ex-MC because of the following reasons:-

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26/2/2024

1. There is gross violation of the DCS Acts & Rule and a work of Rs. 74 Lakh undertaken by the Ex-MC on the name of shaft repair & renovation without any GBM approvals for the same amount of Rs. 74 Lakh. This act is totally arbitrary, there is no approval of the GBM. Moreover this amount wasn't even discussed with the members of the society.
2. No tendering process took place of the above work & the work for such an amount was awarded arbitrarily to Ex-MC's known contractor. No procedure for vendor & several individuals from Ex-MC & Construction Committee got their personal work done from the fund which was accumulated on the name of Society's shaft repair & other repairs. This illegally collected sum was mostly utilized in their personal repairs and upkeep work.
3. No records have been maintained in the society office about payments that has made to contractors for the work. The auditor also raised these questions
 - a. How the work was awarded on a single vendor quotation.
 - b. Why payments were made to the contractor without the work being completed.
 - c. Why payments were made without bills & no GST paid.
4. Balance sheets of 2018-2019, 2019-20 hasn't been presented for approvals in but submitted in the Hon'ble RCS office without GBM adoption.
5. The past managing committee has failed in conducting ANNUAL GENERA MEETINGS which is mandatory under section 31 DCS Act. Rather no GBM took place from 2019 onward.



6. Funds were diverted from member's monthly maintenance payments to different accounts heads without their approvals. The past managing committee on its own without mandate of cooperative act has single handedly flaunted the rules and regulations.

7. a. In gross violation of DCS Acts 2003 & DCS Rules 2007, the Ex-MC was holding illegal positions as there were less than five members in the Ex-MC. And took various decision without any effective and lawful managing committee.

b. Election held for single post of Vice-President & Mr Sanjeev Goel was elected as Vice-President.


c. Mrs. Seema Khare was enrolled as member of the society just 2 days before co-option as secretary in Ex-MC. Which is not correct as per cooperative act.

d. Co-option of three members in a single day in a five member MC is also in violation of DCS rules. The co-option was done of unelected members, it is again arbitrary step of Ex managing committee.

d. An existing member of the society was appointed as Retuning Officer for the previous MC election. it shows the limitless flaunting of the rules and regulations of the Delhi cooperative society act.

Society Management Committee & the Ex-MC itself was illegal. Moreover, even being illegal the brazenness with which they have rampantly violated the DCS Acts & Rules would shock your good office.

8. Even the Administrator appointed by your Hon'ble office has passed an order that the demand of Rs. 74 Lakh was illegal, Election for single post of VC was illegal, appointment of Mrs. Seema Khare as Secretary was illegal, mass Co-option in a single day & appointment of Society


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member as Returning Officer was all illegal activities committed by the Ex-MC.

Therefore, in light of above prevailing situation we request you to order inspection and Inquiry U/S 61 of DCS Act-2003 & DCS Rules 2007 in the affairs of the Society. We, all the elected members of the current managing committee are writing this with a believe that truth and law of the land will prevail.

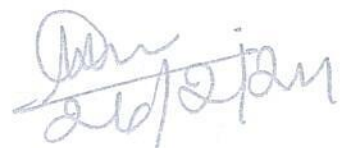
Copies of various previous complaints have been annexed with the complaint dated 26.12.2022. In complaint dated 24.01.2021 signed by 23 members of the society it has also been alleged as follows:-

1. Illegal financial demand of Rs.74 Lakh without passing in ABM.
2. Diversion of monthly maintenance payment into unknown heads.
3. Various financial irregularities.
4. Non conduct of AGM
5. Defaming bonafide members under the tag of defaulters.
6. Not maintaining records of the society as it is requisite as per DCS Act and Rules.
7. Putting Lock on Industrial Electricity Meters.
8. Verbal Resignation by Ex-President & other Ex-MC Members.
9. Illegal former managing committee in the society since 2019.

REPLY FROM EX MANAGING COMMITTEE MEMBERS OF THE SOCIETY:-

A reply was submitted on 14.02.2024 by Sh Sanjeev Goel, Sh Baldev Arya and Smt Seema Khare, all Ex MC Members.

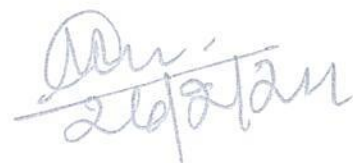
It was stated in the reply that complaint dated 26.12.2022 forwarded by the MC dated 27.12.2022 is biased, malafide and baseless. The signatory MC Members have suo moto signed and forwarded the complaint without any consensus or internal meetings or minutes recorded and without the knowledge and consent of



the elected president and 2 other members of the MC. The four MC members who have signed and forwarded the complaint are the members of the Sub Committee of the Ex-Administrator Mr. V.S. Krishnan and were carrying forward the past legacy to avoid / delay the payment of Rs. 50,000/- each toward shaft repairs, as per the minutes of meeting dtd. 16.03.2022 conducted by your esteemed office and the audit report of the CA appointed by your esteemed office, who declared them as defaulters.

A pointwise reply to the complaint was submitted:

1. The demand / amount involved for shaft pipes replacements and other repair works was approx. Rs. 35 Lakhs or Rs. 50,000/- per member and not Rs. 74 lakhs as claimed by the complainants and this issue has been discussed and decided by your esteemed office in the public hearing conducted on 16th March 2022.
2. The allegations are biased malicious and baseless, the quotations were appropriately called, discussed, negotiated with the contractors in the best interest of the society by getting appropriate discounts on the work orders and no personal repair work as alleged was got done by any of the then Ex-MC Members.
3. The accounts for the financial year 2019-20 & 2020-21 have been finalized by the Ex-Administrator Mr. R.S. Krishnan and appointed sub-committee, and audited by chartered accountants appointed by your esteemed office with no untoward remarks as per the audit report attached.
4. The audited balance sheets of 2018-19, 2019-20 and 2020-21 have been submitted to your esteemed office by the Ex-Administrator and his appointed sub-committee of the 4 members now the signatory of the forwarding letter of the present MC.



5. The then MC had already announced the elections and GBM, in the end of 2019, when the ex-administrator along with his 4 appointed sub-committee members took over the society in beginning January 2020.

6. This is completely false and denied and can be corroborated by the audited balance sheets of the society for that period.

7. These allegations have been dealt by the ex-administrator in his order and have no relevance in the present context, where the ex-administrator and appointed sub-committee remained in the society office for >30 months instead of 3 months as stipulated under section 35/1 as per the order of your esteemed office.

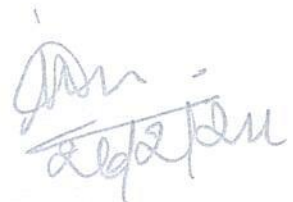
8. This is no more relevant in the present context, with an elected MC in place.

Hearings were held on 12.10.2023 and 14.02.2024. Arguments were heard on 14.02.2024 and case was kept for orders.

I have gone through the complaint and reply on record and documents annexed with the complaint and have heard the arguments from both sides.

OBSERVATIONS:-

1. The Ex MC Members have not been able to give any satisfactory reply to the complaint in question.
2. The veracity of the allegations levelled by the complainants can be ascertained only by way of inspection.
3. Criterion for initiation of inspection under section 61 of DCS Act 2003 are fulfilled in the present case.

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4. The complaint regarding alleged expenditure of Rs.74 Lakhs without approval of GBM and without tenders is serious in nature apart from other complaints.

CONCLUSION:-

In view of the above observations and material on record, I am of the considered opinion that this is a fit case for initiation of Inspection under Section 61 of the DCS Act 2003 based on the issues raised in the complaint dated 27.12.2023 under consideration.

It is ordered accordingly.


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

Copy to:-

- a. Sh Gyanendra Kumar, Flat No.: H-3, Bandhu Vihar CGHS Ltd., Plot No.: 11, Sector-10, Dwarka, New Delhi-110075 (with a direction to provide a copy of this order to all other complainants).
1. Ms Madhu Tandon, Flat No.: F-7, Bandhu Vihar CGHS Ltd., Plot No.: 11, Sector-10, Dwarka, New Delhi-110075
2. Sh Anish Malhotra, Flat No.: F-10, Bandhu Vihar CGHS Ltd., Plot No.: 11, Sector-10, Dwarka, New Delhi-110075
3. Sh Ranbir Singh, Flat No.: E-7, Bandhu Vihar CGHS Ltd., Plot No.: 11, Sector-10, Dwarka, New Delhi-110075
4. Sh Anil Talwar, Ex-President, Flat No.: F-2, Bandhu Vihar CGHS Ltd., Plot No.: 11, Sector-10, Dwarka, New Delhi-110075
5. Sh Sanjeev Goel, Ex-Vice-President, Flat No.: G-2, Bandhu Vihar CGHS Ltd., Plot No.: 11, Sector-10, Dwarka, New Delhi-110075
6. Sh Baldev Arya, Ex-Treasurer, Flat No.: C-3, Bandhu Vihar CGHS Ltd., Plot No.: 11, Sector-10, Dwarka, New Delhi-110075

7. Smt Seema Khare, Ex-Secretary, Flat No.: C-8, Bandhu Vihar CGHS Ltd.,
Plot No.: 11, Sector-10, Dwarka, New Delhi-110075

8. AR(Section-1)

✓ 9. In-charge (Computer Cell) for uploading on website


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