

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

No.: F.47/965/RCS/SEC-5/2024/2318-20

Dated.: 28/02/24

IN THE MATTER OF:

Gp Capt Subrata Roy

.....Complainant

Versus

The Nav Sansad Vihar CGHS Ltd.,
(through President & Secretary) & others

.....Respondents

ORDER UNDER SECTION 61 OF DCS ACT 2003

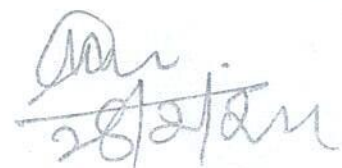
By the present Order I shall dispose off the proceedings initiated under Section 61 of the DCS Act 2003 against the society The Nav Sansad Vihar CGHS Ltd., its past Office Bearers and MC Members on complaint dated 09.06.2023 by Gp Capt Subrata Roy, complainant.

BRIEF FACTS OF THE CASE

The complaint dated 09.06.2023 states that:-

General Body approved increase of FAR in Nav Sansad Vihar CGHS Ltd, Plot No 4, Sector-22, Dwarka, New Delhi-110022 after prolong deliberations spread over 4 years as follows:-

- (a) A proposal for increase FAR to construct another room in GBM held on 20.12.15.
- (b) Voting was done in GBM held on 25.09.16 wherein 35 people favoured the increase in FAR against 13.
- (c) President wrote a detail letter addressed to members giving tentative cost of extension with repair/only repair and requested residents to opt for one of these.


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It is also told that if a member does not opt for anything, it will be presumed that he/she will abide by majority decision.

(d) 101 members opted for repair with extension and 31 members opted for repair only in GBM held on 19.05.19. 117 members did not respond.

(e) Once again a meeting notice is issued on 17.08.19 for SGBM to be held on 25.08.19.

(f) A Building Repair Committee is formed in SGM dated 25.08.19 taking one representative from each block of Flats.

2. DDA approved FAR Extension plan on 10.12.20. 84 members paid for repair with Extension and 97 members paid only for repair out of total 255 members.

3. 84 members paid for repairs with Extension and 97 members paid only for repair out of total 255 members.

4. New Management Committee formed consisting of 15 members. Out of 15 members, 14 members did not Opt for extension.

5. Mr RK Bariar petitioned at Hon'ble Delhi HC for cancellation of FAR-approval wherein DDA placed on record that order of stop construction order has been complied with and no deviation has been noticed, therefore, Hon'ble HC directed DDA to pass a reason order within six weeks and dispose off the case.

6. In pursuance of Hon'ble HC order, DDA passed a reasoned order that Society has followed due procedure and obtained clearances and minor deviation within permissible limit has been noticed. DDA directed MC to remove the deviation and submit compliance report within 30 days.

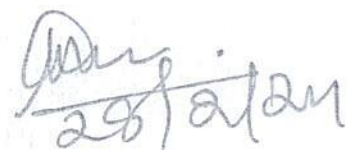
7. Instead of removing deviation, MC cancel the contract of construction without any GBM/consolation with the stake holders.

8. MC wrote many letters to DDA against the decision of General Body for cancellation of the contract.

9. Management Committee colluded with the petitioner against the wishes of General Body(GB).

10. Arbitrator awarded more than 1 Cr as penalty against the Society for cancellation of the contract.

11. MC diverted Rs 12,87,500 from extension account till May 2022 to fight legal cases to stop extension.


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12. 1/5th members of GB has requested MC to call GBM u/s 33 of RCS Act.
13. MC has misquoted Rule 105 of DCS rules 2007(which is meant for construction of housing) which Hon'ble Delhi HC and DDA has not taken any cognizance.

Conclusion: (1) From above, it is evident that MC has overturn the decisions taken by the General Body over a period of 4 years in multiple meetings without calling any GBM.

(2) Unilateral decisions of MC in cancellations of contract without consulting SGM, lead to defeat in arbitration case, therefore, resulted crores of loss to Society.

(3) MC has spent more than Rs 5,00,000/- for fighting legal cases to stop extension from extension account and even paid legal fees for their personal case from this extension account.

(4) MC has spend Rs 9,50,000 (approx) for structural audit which is mandatory requirement as the building is more than 20 yrs old but debited from extension account. MC did not comply with DDA speaking order, therefore, caused financial loss to members.

(5) MC did not comply with DDA speaking order, therefore, caused financial loss to members.

(6) MC did not follow the Sec 33 of RCS act and rules.

(7) MC engaged the son of a MC member to fight a legal case and paio Rs 45,448 from extension account.

REPLY OF THE SOCIETY:-

The society submitted a reply dated 02.01.2024 wherein they did not oppose the initiation of the Inspection under section 61 of the DCS Act 2003 on complaint dated 09.06.2023.

Hearing was held on 19.02.2024. Arguments were heard on 19.02.2024 from the complainant and the society.


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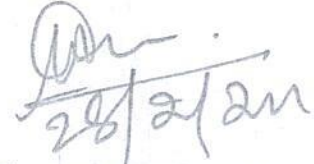
OBSERVATIONS:-

1. The allegations levied in the complaint dated 09.06.2023 under consideration are covered under the proviso to the Section 61(1) of DCS Act 2003 as the allegations are prima facie serious in nature.
2. The society has not opposed the Inspection.

CONCLUSION:-

In view of the above observations, I am of the considered opinion that this is a fit case to order Inspection under section 61 of the DCS Act 2003 on the complaint dated 09.06.2023 under consideration.

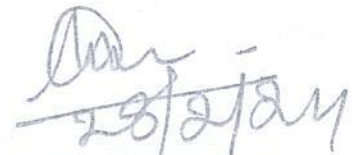
It is ordered accordingly.



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

Copy to:-

1. Gp Capt Subrata Roy, 461 Nav Sansad Vihar CGHS Ltd., Plot-4, Sector-22, Dwarka, New Delhi-110075
2. Nav Sansad Vihar CGHS Ltd., (Through President/Secretary), Plot No.: 4, Sector-22, Dwarka, New Delhi-110075
3. AR(Section-5)
4. In-charge (Computer Cell) for uploading on website



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