

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

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No.: F.No.: 47/RCS/AR/SEC-III/GH/2023/2332-33  
CD No.: 107749831

Dated: 28/2/24

IN THE MATTER OF:

Joginder Singh Walia

.....Appellant

Versus

Jyoti CGHS Ltd.,  
(through President/Secretary)


.....Respondent

ORDER UNDER SECTION 91 OF DCS ACT 2003

- 378/AE/ST  
11/03/24
1. By this Order I shall dispose off the appeal dated 27.06.2023 under section 91 of DCS Act 2003 filed by the appellant against the respondent society for non response by the society in respect of application for transfer of membership submitted by the appellant through Office of Registrar Cooperative Societies due to non acceptance of the application by the society..


BRIEF FACTS OF THE CASE:-

2. An appeal dated 27.06.2023 has been filed by the appellant Joginder Singh Walia against the respondent society Jyoti CGHS Ltd., The appellant has stated that it approached the President/Secretary for submission of application of transfer of membership in his name u/s 91 of DCS Act 2003 number of times but they refused to accept the application on vague grounds. The appellant was left with no option and she submitted his application in RCS Office vide dairy No.: 13740 dated 03.04.2023 along with original documents and original DD No.:

  
28/2/2024

786053 dated 27.03.2023 payable at PNB, CDPC, Delhi, copies of which have been annexed with the appeal. The appellant received a letter dated 17.05.2023 directing the President/Secretary to look into the matter and do the needful as per the bye-laws of the society and submit the action taken report within 7 days from the date of receipt of letter, copy of the letter is annexed with the appeal. Since the appellant did not receive any reply from the society it has filed an appeal dated 27.06.2023.

3. Notices dated 26.09.2023 and 16.11.2023 were issued for appearances on 20.10.2023 and 23.11.2023. The case was heard on 20.10.2023, 23.10.2023 and 23.11.2023. Arguments were heard on 23.11.2023 from both the parties.
4. The society did not raise any objection as regards the documents which they received from Office of Registrar Cooperative Societies for transfer of membership in favour of the appellant.
5. From the perusal of the copies of documents annexed by the appellant with the appeal, the appellant has applied with all requisite documents and affidavits and has paid the requisite amount of fees of Rs.610/-. Further the appellant has annexed a copy of registered conveyance deed registered vide registration no.: 19803 in Book No.: 1 Volume No.: 4924 registered on 23.07.2013. The appellant has also provided a copy of registered agreement to sell dated 24.12.2003 registered vide registration no.: 30451 registered on 24.12.2003 during hearing.
6. All the conditions as required under the provisions of Section 91 of DCS Act 2003 are fulfilled in the present case.
7. No disqualification has been pointed out by the respondent society qua the appellant for his becoming a member of the society.
8. Transfer of Membership cannot be refused by a society without sufficient cause. The society does not have an unfettered right to admit, deny or refuse transfer of membership.

  
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9. In view of the above, the respondent society is directed to transfer membership in the name of the appellant Joginder Singh Walia i.r.o. flat no.: 13-B in the respondent society within 10 days from the date of receipt of this order.

It is ordered accordingly.

  
(Dr. T Philip Thanglienmang)  
Special Registrar Cooperative Societies

Copy to:

1. Sh Joginder Singh Walia, 13-B, Jyoti CGHS Ltd., Plot No.: B-2, Sector-14 Extension, Rohini, Delhi-110095
2. Jyoti CGHS Ltd., (through President/Secretary), Plot No.: B-2, Sector-14 Extension, Rohini, Delhi-110095
3. AR(Section-3)
4. In-charge (Computer Cell) for uploading on website

  
Dr. T Philip Thanglienmang)  
Special Registrar Cooperative Societies