

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.47/810/AR/SEC-3/GH/2023/2321-25

Dated.: 28/2/24

IN THE MATTER OF:

Balwan Singh Duhan & Ors.,

.....Complainants

Versus

The Grih Mantralaya Employees 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 Grih Mantralaya Employees CGHS Ltd., its past Office Bearers and MC Members on complaint dated 02.04.2023 by Sh Balwan Singh Duhan & others, i.e. present Office Bearers of the society.

BRIEF FACTS OF THE CASE

The complaint dated 02.04.2023 states that:-

In this society with the approval of DDA and other concerned authorities, an extension project for availing the extended FAR was undertaken in 2017 by the then MC headed by Shri R. C. Khatri. On completion of the tenure, another MC again headed by Shri R. C. Khatri and having different members continued with the project and the contract was closed on 6.9.2020. During construction, large scale irregularities have been committed putting the society and its members to a huge loss.

2. The matter was considered in the SGBM held on 24.4.2022., The General Body, inter alia, decided that:


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"iii) A request may be made to the Registrar Cooperative Societies (RCS) for an enquiry under relevant provisions of the Act. If any other such anomaly comes to the notice of the MC besides what has been mentioned above, that may also be included in the enquiry terms."

Subsequently, the matter has also been discussed in the MC meetings.

3. The previous MC has indulged in the irregularities mentioned in the subsequent paragraphs.

4. Cost of construction of the project

5. Area of flats

6. Thickness of outer walls of newly constructed room.

7. Virtual completion and closure of the contract.

8. Payment made to the contractor for liaison work for cutting of trees.

9. Charging of water and electricity charges from the contractor

10. Cash payment received by Mr. S. C. Gupta, the then Secretary from contractor

11. Painting of the outer walls of the society

12. Wiring in the flats:

13. Repair of internal roads etc damaged during construction

14. Payment made for fire fighting works

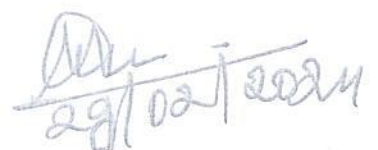
15. Sale of balcony railings

16. Final measurement of flats

17. Irregularities in the appointment of contractor.

18. Irregularities in the appointment of architect

19. The MC under the chairmanship of Shri R. C. Khatri had in connivance with


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the Architect with dishonest intention submitted wrong and incorrect information/ documents to DDA and induced them to grant permission and approve the proposal for construction endangering the safety of life and property of the members of the society.


20. When the construction work had just started, a team from the Fire Deptt of the Govt. of Delhi had visited the society and had inspected the construction work and observed gross violation of safety provisions. They had issued inspection report to MC pointing the major irregularities. The visiting Fire Officer had advised Shri Ramesh Khatri and Shri Sanjay Jain treasurer of the Society in whose presence inspection was conducted, not to proceed with construction work as violations were of very serious in nature and that the entire construction would not get necessary clearance from fire authorities (which is the case through their show cause notice). Despite the above warning the MC continued with construction. The MC did not inform the society members about this warning.

21. Structural audit

As per the directions of the DDA on the basis of orders of Hon'ble Delhi High Court, a structural auditor was appointed by the society. The structural auditor has found, inter alia, that columns raised during new construction are of 9" dimension. Dwarka lies in Seismic Zone IV and as per the construction guidelines in this Zone, the columns are to be minimum of 12" dimension.

In Seismic Zone IV, 9" column is not recognised as a column. As per the report, the society is bound to have retrofitting of the columns for which an amount of approx. 25 lakh would be required which is a direct loss to the society. This job had to be done by the contractor/architect and the previous MC was bound to ensure that the construction guidelines are followed by the contractor/ architect but with a view to given the contractor undue favour, the previous MC did not do its duty thus putting the society and the members to an avoidable loss.

22. Petty vouchers and records maintained


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All the above points have been elaborated in detail by the complainants. They have requested for Inspection under section 61 of DCS Act 2003.

Hearing was held on 18.01.2023 when Sh R C Khatri, Ex-President and Sh Ashok Kumar, Ex-Secretary were present together with the complainants. Arguments were heard from both the sides on 18.01.2024.

OBSERVATIONS:-

1. The allegations levied in the complaint dated 02.04.2023 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 nature of complaints is such whose veracity can be adjudged only by way of 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 02.04.2023 under consideration.

It is ordered accordingly.


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


Copy to:-

1. Sh R C Khatri, Ex-President, The Grih Mantralaya Employees CGHS Ltd., Flat No.: 43, Plot No.: 28, Sector-VI, Dwarka Phase-I, New Delhi-110075
2. Sh Ashok Kumar, Ex-Secretary, The Grih Mantralaya Employees CGHS Ltd., Flat No.: 103, Plot No.: 28, Sector-VI, Dwarka Phase-I, New Delhi-110075

3. President/Secretary/Treasurer, The Grih Mantralaya Employees CGHS Ltd., Kamakshi Apts., Plot No.: 28, Sector-VI, Dwarka Phase-I, New Delhi-110075

4. AR(Section-3)

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


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