

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

F.NO.47/GH-1112/AR/SEC-1/GH/RCS/2022-24/1019-1021

Dated: 03/05/24

IN THE MATTER OF:

Bhagwati CGHS Ltd.

Through its President / Secretary

Petitioner

Versus

Mrs. Garima Mangla & Vikas Mangla

Respondents

ORDER

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 25.11.2022 issued u/r 20(1)(c)(i) & (iii) (2) of DCS Rules, 2007 read with Section 87 & 41 (d) of DCS Act, 2003 whereby Mrs. Garima Mangla & Vikas Mangla R/o 704, Santosh Apartment, Plot No.39B, Sector-6, Dwarka, New Delhi-110075 was called upon to show cause as to why cessation of membership should not be granted against them U/r 20(1) (c) (i) & (iii) of DCS Rules 2007 read with section 87 & 41(d) of DCS Act, 2003.

The brief facts of the case are as under:-

Mrs. Garima Mangla & Vikas Mangla were enrolled as a member of the Bhagwati Co-operative Group Housing Society Ltd (Regn. No. 1112/GH), Plot no. 1A, Sector-22, Dwarka, New Delhi-110075 vide membership application dated 21.09.2018. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing house 704, Santosh Apartment, Plot No.39B, Sector-6, Dwarka, New Delhi-110075. The petitioner society accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing 704, Santosh Apartment, Plot No.39B, Sector-6, Dwarka, New Delhi-110075.

The respondents vide their reply dated 09.12.2022 stated that the said property i.e 704, Santosh Apartment, Plot No.39B, Sector-6, Dwarka, New Delhi-110075 is held by Shri Vikas Mangla alongwith his brother Shri Yogesh Mangla. Further as per order dated 08.09.2015 submitted by the respondent, the membership in respect of the said flat in the Santosh CGHS Ltd., stands in the joint names of Shri Vikas Mangla & Shri Yogesh Mangla.

It is relevant to read the provisions of DCS Act and Rules in this regard which are as under:

Rule 19. Conditions to be complied with for admission to membership:-

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- (1) No person shall be admitted as member of a co-operative society unless-
- (i) he is a citizen of India;
 - (ii) he has applied in writing in the form specified by the co-operative society for membership along with a declaration on oath that he is not a member of any other co-operative society having similar objects;

20. Disqualification of membership

(1). No person shall be eligible for admission as a member of a co-operative society if he:-

...

(c) In the case of membership of a co-operative housing society,
(i) owns a residential house or a plot of land for construction of residential house in any of the approved or un-approved colonies or other localities in the National Capital Territory of Delhi, in his own name or in the name of his spouse or any of dependent children, on lease hold or free-hold basis or on power of attorney or on agreement for sale:

Provided that above clause shall not be applicable,

- (a) in case of co-sharers of property whose share is less than 66.72 sq. metres of land; or if the residential property devolves on him by way of inheritance;
- (b) in case of a person who has acquired property on power of attorney or through agreement for sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned;
- (ii) deals in purchase or sale of immovable properties either as principal or as agent in the National Capital Territory of Delhi; or
- (iii) his spouse or any of his dependent children is a member of any other cooperative housing society.

In the instant case, as per the own admission of the respondent, Shri Vikas Mangla is not only having a residential flat no. 704, Santosh Apartment, Plot No.39B, Sector-6, Dwarka, New Delhi-110075 but is also having membership in the said co-operative group housing society jointly with his brother and was thus disqualified to be a member of a cooperative Housing Society as per rule 19(1)(ii) of the DCS Rules, 2007.

Although, the Administrator as well as succeeding Managing Committee of the Society has subsequently requested for withdrawal of the complaint, however, they failed to place any documents on records regarding eligibility of the respondent to be enrolled as a member of a Cooperative Society at the relevant time.

It is pertinent to note that in terms of Section 41(3) of the DCS Act, 2003, the Registrar may of his own motion, if satisfied that any member has incurred any of the disqualification under sub section (1) declare through an order in writing that such member is disqualified to be a member. Thus, the withdrawal of the petition at this stage would not serve any purpose especially when the respondent has himself admitted to having a residential property i.e. Residential House 704, Santosh Apartment, Plot No.39B, Sector-6, Dwarka, New Delhi-110075 jointly with his brother.

AM



In view of the above mentioned facts and circumstances, I am of the considered opinion that the respondent Mrs. Garima Mangla & Vikas Mangla are disqualified to be a member of the Bhagwati Cooperative Group Housing Society under rule 19 (1) (ii), 20(1)(c)(i) and (iii) of the DCS Rules, 2007. Accordingly, the membership of Mrs. Garima Mangla & Vikas Mangla in the Bhagwati CGHS Ltd. is hereby ceased under Rule 19(1)(ii) and Rule 20(1)(c)(i) & (iii) r/w section 41 of DCS Act, 2003.

Ordered accordingly.



(Anil Kumar Singh)
Registrar Cooperative Societies

To

- 1 Mrs. Garima Mangla & Vikas Mangla R/o 704, Santosh Apartment, Plot No.39B, Sector-6, Dwarka, New Delhi-110075
- 2 Bhagwati CGHS Ltd. (Regn. No. 1112/GH), Plot no.1A, Sector-22, Dwarka, New Delhi-110075
- 3 Asstt. Registrar (Computer Cell) with the request to upload the order on the departmental website.