

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/2022-24/1034-36

Dated: 03/05/2024

IN THE MATTER OF:

Bhagwati CGHS Ltd.
Through its President / Secretary

Petitioner

Versus

Respondents

Punita Devi

ORDER

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 21.11.2022 issued u/r 20(1)(c)(i) & (iii) (2) of DCS Rules, 2007 read with Section 87 & 41 (d) of DCS Act, 2003 whereby Smt. Punita Devi Wife of Shri Suresh Singh r/o Flat No. 10/302, Beverly Park, Plot No. 2, Sector 22, Dwarka, New Delhi 110077 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:-

Smt. Punita Devi was 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 in Feb, 2016. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing Flat No. 10/302, Beverly Park, Plot No. 2, Sector 22, Dwarka, New Delhi 110077. The petitioner society accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing Flat No. 10/302, Beverly Park, Plot No. 2, Sector 22, Dwarka, New Delhi 110077.

The respondent vide her reply submitted on 15.12.2022 has stated that the applicant became the member of the petitioner society by fulfilling all the formalities and conditions under the Delhi Cooperative Societies Act. The petitioner society after going through the documents furnished by the respondent enrolled her as a member of the society. She further stated that a Residential flat bearing no. 10/302 at the Beverly Park, Sector 22, Dwarka, New Delhi was purchased by the respondent at resale from the allottee of the flat and not by the allotment made by the said society.

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

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, she was having Residential flat bearing no. 10/302 at the Beverly Park, Sector 22, Dwarka, New Delhi and was thus disqualified to be a member of a cooperative Housing Society as per rule 20(1)(c)(i) and (iii) 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 herself admitted to having a residential property i.e. Residential flat bearing no. 10/302 at the Beverly Park, Sector 22, Dwarka, Delhi.

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

Ordered accordingly.



(Anil Kumar Singh)
Registrar Cooperative Societies

To

1. Smt. Punita Devi R/o Flat No. 10/302, Beverly Park, Plot No. 2, Sector 22, Dwarka, New Delhi 110077
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.