

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/ 1028-30

Dated: 03/05/2024

IN THE MATTER OF:

Bhagwati CGHS Ltd.
Through its President / Secretary

Petitioner

Versus

Shri Rajesh Kumar Rastogi

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 Shri Rajesh Kumar Rastogi R/o 4/1/79, Gopi Nath Bazar, Delhi Cantt. New Delhi-110010 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:-

Shri Rajesh Kumar Rastogi 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 vide membership application dated 13.11.2013. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing property no. R/o 4/1/79, Gopi Nath Bazar, Delhi Cantt. New Delhi-110010. The petitioner society accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property no. R/o 4/1/79, Gopi Nath Bazar, Delhi Cantt. New Delhi-110010.

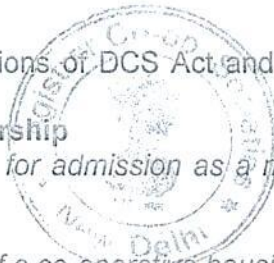
The respondent vide his reply dated 06.06.2023 stated that the property 4/1/79, Gopi Nath Bazar Delhi Cantt.-110010 is an ancestral property which was owned by the Late Mother of the Respondent i.e. Smt. Leela Devi, W/o Shri J C Rastogi, R/o 4/1/79, Gopi Nath Bazar, delhi Cantt.-110010 and the same was purchased by the mother of the respondent vide registered sale deed date 01.09.2001 registered before Sub-Registrar-IX. The respondent further stated that he don't own the equivalent share of measurement cited above even in the property bearing No. 4/1/79, Gopi Nath Bazar, Delhi Cantt.-110010 and the same was inherited to petitioner has become a co-sharer/ legal heirs in the said property being the one of the legal heirs of Late Smt. Leela Devi.

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,



[Handwritten signature]

(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, although the respondent failed to submit the relevant documents/ record to prove that the said property devolves on him by way of inheritance, however, the documents submitted by the petitioner shows that the relinquishment deed was executed on 10.08.2015 in respect of the said property no. R/o 4/1/79, Delhi Cantt. New Delhi-110010 in favour of Sh. Rajesh Kumar Rastogi and Sh. Mukesh Rastogi. Thus, no case is made out for the disqualification of membership of a cooperative Housing Society as per rule 20(1)(c)(i) and (iii) of the DCS Rules, 2007.

In view of the above mentioned facts and circumstances, I am of the considered opinion that the respondent Sh. Rajesh Kumar Rastogi may not be disqualified from the membership of the Bhagwati Cooperative Group Housing Society under rule 20(1)(c)(i) and (iii) of the DCS Rules, 2007. Accordingly, the petition filed by the Bhagwati CGHS Ltd. under Rule 20(1)(c)(i) & (iii) r/w section 41 of DCS Act,2003 is hereby dismissed.

Ordered accordingly.



(Anil Kumar Singh)
Registrar Cooperative Societies

To

- 1 Shri Rajesh Kumar Rastogi R/o 4/1/79, Gopi Nath Bazar, Delhi Cantt. New Delhi-110010.
- 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.