

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/ 1040-42 Dated: 03/05/2024

IN THE MATTER OF:

Bhagwati CGHS Ltd.

Through its President / Secretary

Petitioner

Versus

Usha Taneja, Kunal Taneja and Rajni Taneja

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 Smt. Usha Taneja, Kunal Taneja and Rajni Taneja were 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. Usha Taneja, Kunal Taneja and Rajni Taneja 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 in Oct, 2017. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing Flat No. C-503, Rajasthan Apartments, Plot No. 36, Sector 4, Dwarka, New Delhi 110078. The petitioner society accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing Flat No. C-503, Rajasthan Apartments, Plot No. 36, Sector 4, Dwarka, New Delhi 110078.

The respondent vide their reply submitted dated 12.09.2023 has stated that the answering respondent, Smt Usha Taneja alongwith her husband and son were looking for a separate flat in some Cooperative society in Dwarka for their son and daughter in law and the name of the Primary member was added for smooth discharge of obligation of membership especially in the absence of her son and daughter in law who were required to go out of country in connection with their job requirement. The ex-Managing Committee of the society accepted their application for enrolment after satisfying themselves about the eligibility of the answering respondents. She further stated that she was having joint membership in the Rajasthan CGHS Ltd. alongwith her husband Sh. Ram Swaroop Taneja wherein a flat measuring 93 sq. mtrs. was allotted in the joint names of Smt. Usha Taneja and her husband. Smt. Usha Taneja further stated that the membership in Bhagwati CGHS Ltd. was meant to be taken only in the name of Sh. Kunal Taneja and Smt. Rajni Taneja – son and daughter in law of Smt. Usha Taneja but at the last moment the name of Smt. Usha Taneja was added at the advice/ instructions of the officials of the Ex. MC for discharge of the obligations of said membership for and on behalf of her son and daughter in law.

Smt. Usha Taneja further stated that before getting any benefit of the joint membership No. 912, Smt. Usha Taneja transferred her share/ name in the said joint membership No. 912 in



favour of her son and daughter in law vide her application dated 20.08.2022 addressed to the then Administrator and therefore, the allegation leveled in the show cause notice and petition against Smt. Usha Taneja ceased to exist.

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;*

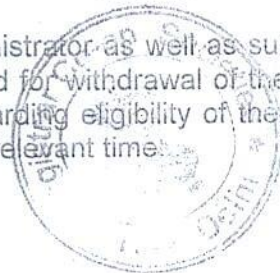
*(b) in case of a person who has acquired property on power of attorney or through agreement for sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned;*

*(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, Smt. Usha Taneja was having joint membership in the Rajasthan CGHS Ltd. alongwith her husband Sh. Ram Swaroop Taneja and were allotted flat in the said society. Thus Smt. Usha Taneja was disqualified to be a member of a cooperative Housing Society as per rule 20(1)(c)(i) and (iii) of the DCS Rules, 2007. Further, the contention of the respondent that her name was added on the advice of the Managing Committee of the society is not tenable as she is not only the primary member but only signatory of the application for enrolment in the society. Besides, the respondent also stated to have requested the Administrator of the society on 20.08.2022 to transfer her rights in the name of her son and daughter in law who were already joint member alongwith Smt. Usha Taneja. However, said request was submitted only after filing of the petition for cessation of membership against the respondent by the then President of the Society. However, the said contention of the society is not tenable as she was disqualified to be a member of the cooperative society ab initio at the time of application of enrolment in the society. It is pertinent to mention here that the respondent was also disqualified to be a member of in terms of Rule 23 of the Delhi Cooperative Societies Act, 2007 which prohibits the membership of any individual in two cooperative of the same class/category.

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 joint membership in Rajasthan Co-operative Group Housing Society Ltd. alongwith her husband namely Sh. Ram Swaroop Taneja.

In view of the above mentioned facts and circumstances, I am of the considered opinion that the respondent Smt. Usha Taneja 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. Usha Taneja, Sh. Kunal Taneja and Smt. Rajni Taneja in the Bhagwati CGHS Ltd. is hereby ceased under Rule 20(1)(c)(i) & (iii) r/w Rule 23 of DCS Rules, 2007 and section 41 of DCS Act, 2003.

Ordered accordingly.



(Anil Kumar Singh)  
Registrar Cooperative Societies

To

1. Mrs. Usha taneja, Kunal Taneja & Rajani Taneja R/o C-503, Rajasthan Apartment, Plot No. 36, Sector-4, Dwarka, New Delhi-110078.
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.