

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/ 1046-48

Dated: 03/05/2024

IN THE MATTER OF:

Bhagwati CGHS Ltd.

Through its President / Secretary

Petitioner

Versus

Neeraj Dhawan and Naina Dhawan

Respondents

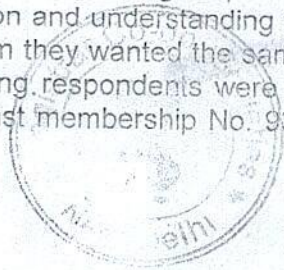
ORDER

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. Sh. Neeraj Dhawan and Smt Naina Dhawan 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 r/w section 87 & 41(d) of DCS Act, 2003.

The brief facts of the case are as under:-

Sh. Neeraj Dhawan and Smt.Naina Dhawan 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 Apr, 2018. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing Flat No. A-21, Golf View Apartments, Sector 19-B, Plot No. 4, 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. A-21, Golf View Apartments, Sector 19 B, Plot No. 4, Dwarka, New Delhi 110077.

The respondents vide their reply dated 18.09.2023 have stated that they were looking for separate flat in some cooperative society for their sons, who are major and independently gainfully employed. After coming to know about the vacancies in the petitioner society, the answering respondents went to the office of the respondent society in March, 2018 to enquire about the terms and conditions of the membership and disclosed all relevant facts before the officials of the Ex. MC and nothing was concealed from them including the membership and purchase of flat in Golf View Apartments in Dwarka, Delhi in the name of Sh. Neeraj Dhawan. Even in the application form they gave their address of Golf View Apartments in Dwarka, Delhi as they had no intention to conceal anything. The then officials of the Society were also informed that the sons of the answering respondents namely Sh. Vaibhav Dhawan and Anubhav Dhawan were required to go out of town/ country in connection with their job assignment. On this, the officials of the then Ex. MC asked the answering respondents to better take initially the memberships and later on they can transfer the membership to their sons, for whose behalf they were planning to take the same. It is only on the assurances and persuasion of the officials of the Ex. MC that answering respondents initially took the membership in their names with bonafide expectation and understanding that they would transfer the same later on in favour of their sons, for whom they wanted the same since beginning, once they come back. Thus, accordingly, the answering respondents were initially enrolled as joint members by the then MC at its insistence against membership No. 936. 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 them as a member of the society. They further stated that they later applied for transfer of membership No. 936 in Bhagwati CGHS Ltd. in favour of their sons namely Vaibhav Dhawan and Anubhav Dhawan and before getting any joint membership no. 936 they have transferred their membership to their sons.

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*

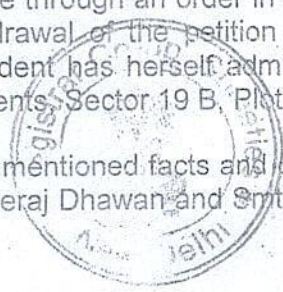
*(iii) his spouse or any of his dependent children is a member of any other cooperative housing society.*

In the instant case, as per the own admission of the respondents, Sh. Neeraj Dhawan who is the primary member in the joint membership alongwith her wife Smt. Naina Dhawan was having Residential flat bearing Flat No. A-21, Golf View Apartments, Sector 19 B, Plot No. 4, Dwarka, New Delhi 110077 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. Flat No. A-21, Golf View Apartments, Sector 19 B, Plot No. 4, Dwarka, New Delhi 110077.

In view of the above mentioned facts and circumstances, I am of the considered opinion that the respondents Sh. Neeraj Dhawan and Smt. Naina Dhawan Devi were 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 Sh. Neeraj Dhawan and Smt.Naina Dhawan 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*

(Anil Kumar Singh)  
Registrar Cooperative Societies

To

1. Sh. Neeraj Dhawan and Smt.Naina Dhawan r/o Flat No. A-21, Golf View Apartments, Sector 19 B, Plot No. 4, 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.