

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/ 1022-24 Dated: 03/05/2024

**IN THE MATTER OF:**

Bhagwati CGHS Ltd.

Through its President / Secretary

Petitioner

Versus

Sh. Anil Tayal

Respondents

**ORDER**

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 05.11.2022 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. Anil Tayal S/o Sh. R.K. Tayal r/o C-4/E/8/86, Janak Puri, New Delhi-110058 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:-

Sh. Anil Tayal 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 application dated 23.01.2018. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing Flat No. 464, Plot No. 2, Guru Apartment, Sector-6, 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. 464, Plot No. 2, Guru Apartment, Sector -6, Dwarka, New Delhi 110077.

The respondent vide his reply dated 20.06.2023 submitted that the flat No. 464 in Guru CGHS, Sector-6 was already sold on 20<sup>th</sup> January 2018. The respondent further stated that the process to convert the apartment to freehold was in process at that time, the sale deed was made in May 2018. Hence, he did not hold any property in Delhi at the time of acquiring membership of Bhagwati CGHS Ltd. on 06.02.2018.

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.

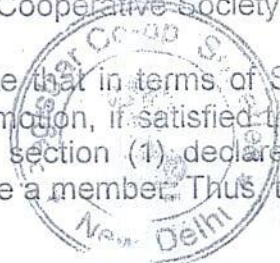
### **23 Prohibition of membership in two co-operative societies/federal societies of same class/category:-**

(1) No individual or primary co-operative society shall become member of another primary co-operative society or two Federal/ Central/ Apex Society/ Financing Bank of the same class. If an individual or primary cooperative society has become a member of two Apex/ Federal/ Central/ /Financing Bank, his membership of the society lastly enrolled, shall stands ceased. However, the individual or primary co-operative society shall have a right to appeal to the Registrar against the order of the cooperative society within thirty days after the receipt of the order of the termination of membership. The decision of the Registrar shall be final and binding on all concerned.

In the instant case, as per the own admission of the respondent, he was having Residential Flat No. 464, Plot No. 2, Guru Apartment, Sector-6, Dwarka, New Delhi-110077 in Feb. 2018 when he applied for membership in the Bhagwati CGHS Ltd. As per the documents submitted by the respondent, the sale deed was executed by the respondent on 31.05.2018. Thus, the respondent was disqualified to be a member of a cooperative Housing Society as per rule 20(1)(c)(i) and (iii) and Rule 23 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. Flat No. 464, Plot No. 2, Guru Apartment, Sector-6, Dwarka, New Delhi-110077.

In view of the above mentioned facts and circumstances, I am of the considered opinion that the respondent Sh. Anil Tayal is disqualified to be a member of the Bhagwati Cooperative Group Housing Society under rule 20(1)(c)(i) and (iii) and Rule 23 of the DCS Rules, 2007. Accordingly, the membership of Sh. Anil Tayal in the Bhagwati CGHS Ltd. is hereby ceased under Rule 20(1)(c)(i) & (iii) and Rule 23 r/w section 41 of DCS Act,2003.

Ordered accordingly.



  
(Anil Kumar Singh)  
Registrar Cooperative Societies

To

- 1 Sh. Anil Tayal R/o C-4/E/8/86, Janak Puri, New Delhi-110058.
- 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.