

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/2022-24/1049-51 Dated: 03/05/2024

IN THE MATTER OF:

Bhagwati CGHS Ltd.

Through its President / Secretary

Petitioner

Versus

Shri Subhash C Chopra, Anjana Chopra & Karan Chopra

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 Subhash C. Chopra, Anjana Chopra & Karan Chopra R/o C-4D/21C, Janakpuri, 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:-

Shri Subhash C Chopra, Anjana Chopra & Karan Chopra were enrolled as joint 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 24.09.2018. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing Property no. C-4D/21C, Janakpuri, New Delhi-110058. The petitioner society accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing Property no. C-4D/21C, Janakpuri, New Delhi-110058.

The respondent vide their reply dated 29.08.2023 stated that the answering respondents Sh. Subhash Chander Chopra and Smt. Anjana Chopra, who were looking for a flat for their son Sh. Karan Chopra, who was gainfully employed and eligible to become a member of the Coop. Housing Society, after coming to know about the vacancies in the petitioner society went to the office of the respondent society viz. Bhagwati CGHS Ltd. sometime in September, 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 their property bearing No. C-4D/21C in Janak Puri, Delhi in the name Sh. Subhash Chopra. Still, the officials of the then Ex. MC repeatedly assured the answering respondents Sh. Subhash Chander Chopra and his wife that they were fully eligible to become the members of the society and encouraged them to join his son to become the joint-members of the society as the individual share of Sh. Subhash Chander Chopra in the land where the aforesaid flat in Janak Puri is situated in multistoried building was less 66.72 sq. mtr. Thus, the Ex. MC after fully satisfying themselves about the eligibility of the answering respondents accepted their application for joint membership and duly enrolled them as joint members of the society in accordance with law and therefore, they stopped from raising any dispute against the eligibility of the answering respondent later on. The respondents further stated that the only allegation leveled in the petition is that the answering respondent namely Sh. Subhash Kumar Chopra owned a Flat



bearing No. C-4D/21C, Second Floor, Janak Puri, New Delhi-58 and have thus incurred disqualification under Rule 20 (1) (C) (i) & (iii) of DCS Rules, 2007. It is submitted that the land share of the answering respondent namely Sh. Subhash Chander Chopra in respect of the Janak Puri flat situated in the multy-storey building consisting of Ground Floor, First Floor and Second Floor is much less than 66 sq. mtr. And therefore, the same is exempted under Rule 20 (1) (c) (i) (a) of the DCS Rules, 2007 as per the law laid down by the Hon'ble High Court of Delhi in Kalu Ram Sharma Vs. Financial Commissioner, Delhi WP (C) No. 794 of 2012. Since the individual share of the answering respondents Sh. Subhash Chander Chopra in Janak Puri Property is within the permissible limit, he was fully entitled to become joint members of the Bhagwati CGHS Ltd. along with his wife and son and therefore, the present petition is liable to be rejected with costs.

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;

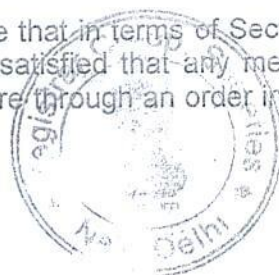
(ii) deals in purchase or sale of immovable properties either as principal or as agent in the National Capital Territory of Delhi; or

(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, they were having Residential Property no. C-4D/21C, Janakpuri, New Delhi-110058. Further, the respondent has stated to have a share of land less than 66.72 sq. meter, however, he failed to mention the area of the plot or any documentary record in this regard. Thus, the respondent Shri Subhash C Chopra 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.

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 Property no. C-4D/21C, Janakpuri, New Delhi-110058.

In view of the above mentioned facts and circumstances, I am of the considered opinion that the respondent Shri Subhash C Chopra, Anjana Chopra & Karan Chopra 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 Shri Subhash C Chopra, Anjana Chopra & Karan Chopra 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 Shri Subhash C Chopra, Anjana Chopra & Karan Chopra R/o C-4D/21C, Janakpuri, 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.