

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/2022-24/1064-68

Dated: 07/05/24

IN THE MATTER OF:

Bhagwati CGHS Ltd.
Through its President / Secretary

Petitioner

Versus

Shri Ashish Mehra S/o Sh. C.K. Mehra

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 Shri Ashish Mehra S/o Shri C.K. Mehra R/o G-53, Green Park, New Delhi-110016 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 Ashish Mehra S/o Sh. C.K. Mehra 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 12.07.1997. The petitioner society has stated to have received a complaint that the respondent is having a residential property in Delhi bearing property no. G-53, Green Park, New Delhi-110016. The petitioner society accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property no. G-53, Green Park, New Delhi-110016.

The respondent vide his reply dated 20.06.2023 has stated that he and his family inherited property number G-53, Green Park from his father, who was KARTA of C. K. Mehra and Sons (HUF). The said property was purchased by him (Built up on plot of 200 aq. Yards, i.e. 165.25 sq. meter, under two different agreements. Property being in Hindu United Family (HUF) their coparceners of the HUF being 1. C. K. Mehra (Father), 2. Ajay Mehra (Elder Brother), 3. Sanjay Mehra (Elder Brother), 4. Ashish Mehra (the respondent herein), 5. Shama Mehra (Mother). After the death of his father, he inherited the property along with other members of the HUF, thus the above property devolves on him by inheritance. The respondent further stated that his effective share in the same comes out to 42 sq. meter approx only. The respondent also submitted copies of sale deed dated 19.09.1968 and 24.05.1969 in support of his contention.

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,

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(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, the share of the respondent's share in the said property was much less than 66.72 sq. meter. 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. Ashish Mehra 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.



AM

(Anil Kumar Singh)

Registrar Cooperative Societies

To

- 1 Shri Ashish Mehra S/o Shri C.K. Mehra R/o G-53, Green Park, New Delhi-110016
- 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.

4. AACS (Sec-I)