

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.47/505/GH/SEC III/2017/1632-36

Dated: 29/7/24

IN THE MATTER OF:

The Gujranwala CHBS Ltd.
Through its President / Secretary

Complainant

Versus

Smt. Paramjeet Kaur & Anr

Respondent

ORDER

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 12.02.2018 issued u/s 41 of DCS Act, 2003 read with Rule 19, 20 & 25 of the DCS Rules, 2007 whereby Smt. Paramjeet Kaur w/o Sh. Kuldeep Singh r/o F-11/11 Model Town-II, Delhi-110033 was called upon to explain as to why action should not be initiated against her for disqualification of membership.

The brief facts of the case are as under:-

Sh. Paramjeet Kaur alongwith Smt Inderjit Kaur were enrolled as joint members of the Gujarawalan Co-operative Housing Building Society Ltd, vide Membership No. 757 and were subsequently allotted Plot No 226 in the draw of lots held in the year 1999. The petitioner society has stated to have received a complaint in the year 2016 from Smt. Ramesh Kumari r/o 31/82 Subhash Nagar, New Delhi alleging that Smt. Paramjeet Kaur has illegally obtained membership of the society as well as allotment of plot in Gujranwala CHBS Ltd by filing false affidavit /by concealing the fact that her husband Sh. Kuldeep Singh, was the owner of House No F-11/11, Model Town, New Delhi at the time of allotment /execution of Sub Lease Deed of ½ share of undivided Plot No 226 in Gujranwala CHBS Ltd.

The society, while pursuing complaint of Smt. Ramesh Kumari, issued three registered Show Cause Notice on 17.06.2021, 12.09.2016 & 05.12.2016 to Smt. Paramjit Kaur w/o Sh. Kuldeep Singh at the address F-11/11, Model Town-II, Delhi 33 in order to appear before the society alongwith copy of affidavits and other documents relating to the allotment/execution of sub lease deed of ½ share of plot No 226 in Gujranwala CHBS Ltd but no one appeared nor sent any reply even the show cause notices to Smt. Paramjeet Kaur were delivered back to society with the comment of Postman that no such person had been residing at F-11/11, Model Town-II, Delhi 33.

[Handwritten Signature]

Meanwhile the society vide its letter dated 01.08.2016 informed the complainant Smt. Ramesh Kumari. that the society in its meeting dated 29.07.2016 decided that the society is unable to take any action regarding cancellation of membership of Smt. Paramjit Kaur without tracing and listening her view /reply hence further advised to complainant that she may approach competent authorities i.e. 1. Registrar Cooperative Societies 2. DDA 3. Hon'ble High Court of Delhi in order to pursue the matter of cancellation of membership/allotment in respect of Smt. Paramjeet Kaur. The copy of the said letter dated 01.08.2016 was also endorsed to the DDA by the society. Further, in response of abovementioned letter dated 01.08.2016 Dy. Director, DDA vide its letter dated 28.09.2016 requested the society to cease the membership of Smt. Paramjeet Kaur and recommend the case to Registrar of Cooperative Societies for confirmation of cessation of membership.

The Managing committee further vide letter dated 17.07.2017 forwarded the resolution to O/o Registrar Cooperative Societies for necessary action regarding cancellation of allotment of ½ share in Plot No 226 in Gujrawala CHBS Ltd in respect of Smt. Paramjeet Kaur.

This office after issuance of Show Cause Notice dated 12.02.2018 against the resolution/request of society regarding cancellation of membership of Smt. Paramjeet Kaur, further issued various notices by all possible modes to the society as well as Smt. Paramjeet Kaur, to appear before this court but the notice could not be served to the respondent on the address of respondent provided by the society as she had already sold the property i.e. F-11/11, Model Town-II, Delhi 33 and never appeared before this court.

In the meantime, Sh. Gulshan Arora filed an application for impleadment as a party under order 1 Rule 10 CPC whereby he informed that he is present owner and in possession of Plot No 226 in Gujrawala CHBS Ltd and must be respondent/party in this case. Accordingly, Sh. Gulshan Arora was admitted/impleaded as party in the matter. Further, a reply has been filed by Respondent i.e. Sh. Gulshan Arora against the complaint of society dated 15.04.2016 whereby he inter-alia submitted that as the applicant is the sole owner of the plot No.226 in Complainant/Society and have not only the interested party in the above mentioned case but also the necessary and proper party for the proper adjudication of the above mentioned case. It is further apt to mention that as per the law laid by the Hon'ble High Court of Delhi in the case titled as "Delhi Dayal Bagh House Building Society Vs. Registrar Cooperative Societies" in Writ Petition (C) No. 6409/2008, reported as 166(2010) DLT 99, the new purchaser are the necessary and proper party in all the litigations. He further submitted that as per section 41 of the Delhi Cooperative Societies Act, 2003, the membership of Smt. Paramjeet Kaur was ceased on 14.12.1999, when the first time Smt. Paramjeet Kaur sold her 50% share in the plot No. 226 to Sh. Sanjay and now the applicant being the owner



and successor General Power of Attorney Holder of Smt. Paramjeet Kaur and Smt. Inderjeet Kaur has every right to implead in the above mentioned proceedings. Sh. Gulshan Ahuja further submitted that

On the other hand the society filed a rejoinder against the reply of Respondent Sh. Gulshan Arora. The society again reiterated that Smt. Paramjeet Kaur fraudulently succeeded in getting allotment of half share in the aforesaid plot from the concerned authorities only on the basis of false affidavit which she filed deliberately to cheat and defraud the concerned authorities. Had she disclosed the fact to the society or other concerned authorities that her husband already owned the aforesaid immovable property in Model Town Delhi, she would never have been allotted any plot in the society and next eligible waitlist member ought to have been accommodated and allotted half share in the plot. It is well settled law as held by the Hon'ble Supreme Court of India repeatedly that fraud vitiates and nullifies every solemn act and no one can claim as a matter of right any benefit of a fraudulent act or transaction. The society further submitted that it is also well settled law as laid down in numerous judgments by the Hon'ble Supreme Court of India that a person who does not have any valid/legal title in any property cannot convey any better title in favour of any other person.

I have gone through the Reply submitted by the Respondent Managing Committee of the society as well as the submissions made by the respondent. It is observed that the Managing Committee of the society is primarily relying on the allegation that Smt. Paramjeet Kaur was disqualified to be a member of the society at the time when the plot was allotted to her on the basis of allegations made by the complainant that the husband of said Smt. Paramjeet Kaur was the owner of House No F-11/11, Model Town-II, New Delhi at the time when the allotment was made. Further, the DDA vide its letter dated 28.09.2016 has requested the society to cease the membership of Smt. Paramjeet Kaur and recommended her case to this office for confirmation of cessation of membership. Accordingly, on the basis of copy of registered sale deed dated 05.09.2003 furnished by the complainant, in respect of House No F-11/11, Model Town-II, New Delhi in the name of Sh. Kuldeep Singh i.e. husband of Smt. Paramjeet Kaur, the society vide its resolution passed in the Managing Committee meeting of Gujranwala CHBS Ltd held on 23.06.2017 has ceased the membership of Smt. Paramjeet Kaur and vide its letter dated 17.07.2017 has forwarded the matter for approval of this office. The society further submitted that the fraud nullifies every solemn act and relied on the judgement of Hon'ble High Court of Delhi in WPC No 6606/2001 titled Smt. Sheela Wati Vs RCS & Ors wherein Hon'ble High Court has observed that the allotment of plot which was obtained by the submitting the false affidavit to the respondent society who in turn, relying on the same, forwarded his case to the RCS for transfer of his membership in favour of his relative, respondent No 4 herein, was clearly fraudulent. Any action taken by the RCS on such a false



representation, is vitiated and thus the status acquired by respondent No 4 on the basis of such a fraud has also to be unravelled. The Hon'ble High Court further directed to cancel the said allotment of plot which was obtained by the submitting the false affidavit to the respondent society. On the other hand the respondent is only relying on the argument that the issue is barred by the limitation and cannot be decided at this stage.

In view of the above facts and circumstances, I am of the considered opinion that the application filed by the society seeking cessation of membership of Smt. Paramjeet Kaur u/s 41 of DCS Act, 2003 and rule 19, 20 & 25 of the DCS Rules, 2007 is liable to be approved. Hence the membership of Smt Paramjeet Kaur in Gujranwala CHBS Ltd is hereby ceased u/s 41 of DCS ACT 2003 and any subsequent transfer of the said membership is also liable to be quashed.

Ordered accordingly.



(Anil Kumar Singh)
Registrar Cooperative Societies

To

- 1 President/Secretary, Gujranwala Cooperative House Building Society near Ram Mandir, Block-A, Gujranwala Town-I, Delhi-110009.
- 2 Smt. Paramjeet Kaur w/o Sh. Kuldeep Singh, R/o F-11/11, Model Town-II, Delhi-110033.
- 3 Sh. Gulshan Arora, R/o D-13-A/2, Model Town-II, Delhi-110009.
- 4 Asstt. Registrar (G/H Section-III), O/o RCS, Parliament Street, Old Court Building, Delhi - 110001.
- 5 Asstt. Registrar (Computer Cell) with the request to upload the order on the departmental website.