

GOVT. OF N.C.T. OF DELHI
OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES,
PARLIAMENT STREET, OLD COURT BUILDING, NEW DELHI-110001

F.NO.47/RCS/POLICY/2010/PART FILE-II/

DATED:-

Sub:- Minutes of meeting of Rule 90 committee held on 24.07.2024 at 2:00 PM

I am directed to enclose herewith the copy of minutes of Rule 90 committee meeting held on 24/07/2024 at 2:00 PM for necessary action at your end. Intimation may also be sent to the concerned members individually.

ASST. REGISTRAR (POLICY)

F.NO.47/RCS/POLICY/2010/PART FILE-II/ 196 - 200

DATED:- 30.07.2024

1. P.S. to Pr. Secretary (Cooperation)
2. P.S. to Registrar Cooperative Societies.
3. P.A to Spl. Registrar Cooperative Societies/DRCS.
4. Assistant Registrar (Section-7)
5. In-Charge (Computer Cell) to upload the minutes held on 24.07.2024 at 2:00 PM on the RCS Website.

ASST. REGISTRAR (POLICY)

GOVT. OF NCT OF DELHI
OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER RULE 90 OF DCS RULES, 2007 HELD ON 24.07.2024 AT 02:00 P.M. UNDER THE CHAIRMANSHIP OF THE PRINCIPAL SECRETARY (COOPERATION), GOVT. OF NCT OF DELHI TO CONSIDER THE AGENDA PLACED BEFORE IT.

A meeting of the committee constituted under Rule 90 of DCS Rules, 2007 was held on 24.07.2024 AT 02:00 P.M in the chamber of Principal Secretary (Cooperation & Environment), GNCT of Delhi at 6th Floor, Conference Room, Delhi Secretariat. The following officers/members of the committee attended the meeting:-

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|------|---|-------------|
| I. | Sh. A.K. Singh, Pr. Secretary (Cooperation) | Chairperson |
| II. | Sh. Anil Kumar Singh, Registrar Cooperative Societies | Member |
| III. | Sh. Puneet Nagpal, Additional Secretary (Law Dept.) | Member |
| IV. | Sh. Ajay Kumar Kapahi, DCA, Deptt. of Trade & Taxes | Member |

Ms. Suman Kumari, Assistant Registrar, Section-VII/H) presented the agendas with the brief history in respect of three cases for clearance of membership pertaining to Sant Tulsidass Cooperative Group Housing Society Ltd., details of the cases submitted before the committee are given below:-

Agenda Item no.	Name of Members	Membership no.	Court Case, if any
1.	Smt. Hemlata wife of late Sh. Narender Kumar Aggarwal	230	No
2.	Sh. Surender Kumar Aggarwal	248	No
3.	Sh. Om Prakash	307	W.P(C) 412/2021 titled as Om Prakash Jhalani Vs Registrar Cooperative Societies & Ors.

Agenda in R/O three members of SANT TULSIDASS CGHS LTD.

It has been appraised to the Committee that instant case has been placed before the Rule 90 committee in view of compliance of order dated 28.03.2024 of the Hon'ble High Court of Delhi in W.P (C) No. 412/2021, titled as OM PRAKASH JHALANI V/s REGISTRAR COOPERATIVE SOCIETIES & Ors.

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vide which the Rule-90 Committee has been directed to take a decision with regard to the petitioner's case within twelve weeks.

Besides, it has also been apprised that there are two other cases pertaining to the same society as mentioned at agenda item no. 1 & 2 in the table above, which are put up for consideration of Rule-90 Committee.

The Assistant Registrar, Section-VII/H stated that The SANT TULSI DASS CGHS Ltd., PLOT NO. 14, SECTOR-14, ROHINI, DELHI-10085, is registered with this department vide Registration No. 347/GH under provision of DCS Act,1972 and DCS Rules,1973 and by-laws of the society. As per the available records, the details of membership clearance are as under:-

- Freeze strength of the society -176.
- Dwelling Unit- 176
- Total no. cases cleared through draw of lots -173
- No. of dwelling units left un-allotted: 03
- Left over cases -02 (Ms Vandana Sikka (M.S. No. 267), Smt. Sheela Rawat (M.S. No. 316) [The society has enrolled two members in excess of its freeze strength]

After presenting brief history of these cases for consideration by Rule 90 Committee, Assistant Registrar also apprised that there are only three number of flats available in the society and there are 5 (five) claimants. The following three members are apparently above in seniority from Sh. Om Prakash (M.S No. 307), the petitioner in W.P (C) No. 412/2021 in which matter vide order dated 28.03.2024, Hon'ble High Court has made direction to the Rule-90 committee:

- (1). Smt. Hemlata w/o late Sh. Narender Kumar Aggarwal (MS. No.230)
- (2). Sh. Surender Kumar Aggarwal (MS.No.248)
- (3). Smt. Vandana Sikka (MS.No.267)

It has also been apprised to the committee that the case of expulsion of one member namely Smt. Vandana Sikka (MS.No.267) is pending before the Court of Registrar Cooperative Societies. Notices have been issued to Smt. Vandana Sikka on multiple occasions, however, she has not turned up to join the proceedings or make submissions if any, in this case. On the last hearing conducted on 23.07.2023, the managing committee of the society has been directed that a public

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notice in two leading daily newspapers (one Hindi and one English) be issued in the interest of justice to call Smt. Vandana Sikka to appear in the court of the Registrar and attend the proceedings of expulsion case and make her submissions if any, otherwise the Registrar would be left with no option but to pass order in the said matter on ex-parte basis.

Therefore, it has been apprised that as there are only three numbers of flats available in the society it would be appropriate that the expulsion case of Smt. Vandana Sikka (MS.No.267) who is senior to Sh. Om Prakash (MS.No.307), may be decided first, so that a clear picture with regard to number of flats available vis-a-vis the claimants is established.

OBSERVATION & DIRECTION OF RULE -90 COMMITTEE:-

With regard to Agenda Item no.1, Committee observed that death certificate of late Sh. Narender Kumar Aggarwal has to be brought on record along with details of legal heirs/nominee/successors. Further, Committee has directed that the case be put up afresh after scrutiny of details of enrolment of the member, his details of payment etc.

As regards to Agenda Item no.2, Committee observed that the case which has been put up along with details of agenda item no. 1 needs to be presented separately, describing details of membership.

Further, classification regarding implementation of circular dated 16.12.1992 in respect of the cases of agenda item no.1 & 2 has also been sought from RCS office. Committee opined that the circular cannot overrule the provisions of the DCS Act.

With regard to Agenda Item no.3, i.e. the case of Sh. Om Prakash discussed and it has been observed that the M.C resolution vide which the claimant member is stated to have been enrolled has not been produced by the society at any point of time, as the society claimed that the same is untraceable. However, in absence of such resolution, it is difficult to ascertain that the member has been duly enrolled by the society as per provisos of the then prevailing DCS Act and Rules. Accordingly, it is directed by the Rule-90 Committee that before considering the case of membership clearance of the applicant namely Sh. Om

Arora

Sh.


Society Mr.

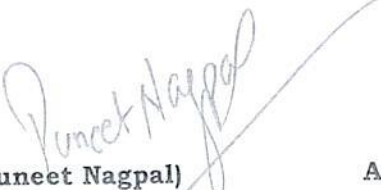
Puneet Aggarwal


Prakash, the said M.C. Resolution needs to be produced either by the Managing Committee of the Society or by the claimant member himself.


Accordingly, the applicant member may be informed and may be directed to produce the same.

The meeting ended with vote of thanks to the chair.


(Ajay Kumar Kapahi)
DCA
(Member)


(Puneet Nagpal)
Addl. Secretary (Law)
(Member)


Anil Kumar Singh
RCS
(Member)


(A.K. Singh)
Pr. Secretary (Cooperation)
Chairman