

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES

GOVERNMENT OF NCT OF DELHI

OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI 110001

F. No: 47/ARH/432-GH/Section -III/2023/248-249/1755-59 Dated: - 19/0/24

ORDER U/s 35(5) of DCS Act 2003

In the matter of:

Govt Teacher CHBS Ltd.

This order shall dispose of the proceedings initiated under Section 37(1) of DCS Act 2003 however it should have been initiated U/s 35(5) against the Managing Committee of the Government Teachers Cooperative House Building Society Ltd Saraswati vihar Pitampura Delhi -110034.

The present proceedings were initiated based on the complaint dated 21.07.2023 filed by Sh. Kuldeep Goyal, E-Block, Saraswati Vihar, Pitampura wherein it was alleged that the last election of the MC was held on 24.12.2017 and the term of the Managing Committee was completed on 23.12.2020 since then no election has been conducted by the MC of the society.

Accordingly on dated 10.08.2023 department has directed to the managing committee of the society to provide reply /comment on the complain of Sh. Kuldeep within 07 days. However, no reply was received from the society consequently, this office issued notice under section 37(1) of DCS Act, 2003 to the Managing Committee of the society for filing reply and also afforded an opportunity of personal hearing to present its case.

On proceeding dated 07.05.2023 before the undersigned Sh. Yashpal Dua (Ad Hoc Secretary), Satish Agarwal, D.N Sharma & Vijay Srivastava (members of the society) were present and submitted that present secretary has been expired two months ago and president & vice president have also passed away some time ago.

Upon considering submission by the managing committee, it is observed that the election of the committee have not been held since 2020 and the society have been operating without president and secretary for the extended period. Therefore, MC of the society is not only consistently violating provisions of DCS Act and Rules, as alleged, by the complainant, but is also managing society without authority.

Therefore, considering the above facts and circumstances, I am of the opinion that the society has been operating without President, Secretary and



Vice president for an extended period and current Managing Committee's tenure ended on 23.12.2020, MC of the society should have arranged for election for new committee, which it failed to do so which shows the present MC was holding the office and managing affairs of the society illegally. The society's negligence in performing its duties imposed on it under DCS Act and Rules framed there under is prejudicial to the interest of the society and its members.

In this regard it is pertinent to go through the extract of section 35(5) of DCS Act 2003 which is reproduced as under-

*35(5) Thereafter the committee shall arrange election of the new committee before the expiry of its term and in case the committee fails to do so, the committee shall cease to hold office on the expiry of its term and the affairs of the co-operative society shall be managed by an administrator appointed by the Registrar who shall also hold election within ninety days from the date of his appointment.*

In the exercising of the power conferred upon me under section DCS Act and Rules, as there is no validity elected Managing Committee in the society since 23.12.2020, I hereby appoint Sh. V.K Rastogi as an Administrator of the society initially for a period of 90 days from the date he assumes the charge or till such time elections are held and democratic set up restored in the said society. He shall be paid Rs. 10,000/- remuneration per month which is to be paid from the society's fund.



*(A.K Singh)*

REGISTRAR COOPERATIVE SOCIETIES

1. Ex President/Secretary of Government Teachers CHBS Saraswati Vihar Pitampura Delhi-110034.
2. Sh. V.K. Rastogi, Administrator, Flat No. 02, Lucky Homes CGHS, Plot No. 19/1 Sector -13, Rohini, Delhi-110085.

Copy To;

3. Assistant Registrar, Housing Section-3, O/o Registrar Cooperative Societies, Parliament Street, Delhi-110001.
4. Incharge computer cell with direction to upload on Department website.
5. Gaurd file