

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/2022-24/1951-55

Dated: 28/8/24

IN THE MATTER OF:

Sh Inder Kishan Gupta

Applicant

Versus

Bhagwati CGHS Ltd
(Through its President)

Respondent

ORDER

This order shall dispose of the review application filed by Sh Inder Kishan Gupta u/s 115 (1) of DCS Act 2003 to review the order dated 03.05.2024 passed by the RCS thereby directing that the membership of Sh Inder Kishan Gupta has been ceased in Bhagwati CGHS Ltd.

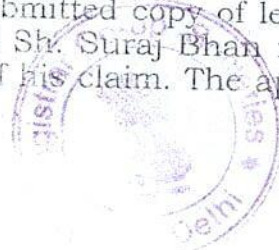
The applicant, Sh Inder Kishan Gupta has filed the instant application for review of order dated 03.05.2024 passed by the Registrar of Cooperative Societies under Rule 20(1)(c)(i) & (iii) of DCS Rules 2007 read with section 41 of DCS Act 2003 in the matter of Bhagwati CGHS Ltd Vs Sh Inder Kishan Gupta whereby the then RCS had ordered as under

I am of the considered opinion that the respondent Sh Inder Kishan Gupta is 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 Sh Inder Kishan Gupta in the Bhagwati CGHS Ltd is hereby ceased under Rule 20(1)(c)(i) & (iii) r/w section 41 of DCS Act 2003.

It is relevant to read the provisions of DCS Rules, 2007 which govern the review application under DCS Act & Rules. In this regard, Rule 157(1) of DCS Rules 2007 states as under:

Every application under sub-section (1) of section 115 shall be in the form of a memorandum setting forth concisely and under distinct heads the new and important facts which, after the exercise of due diligence, were not within the knowledge of the applicant or could not be produced by him when the order against whom review is preferred, was made or mistakes or errors apparent on the face of the record of other reasons for review. A memorandum of evidence shall accompany it.

The perusal of grounds stated in the application filed by the Sh Inder Kishan Gupta reveals that the property bearing No. A-2/24, Safdarjung Enclave, New Delhi-110029 was originally allotted in the joint names of the father of the applicant/Sh. Suraj Bhan and his uncle(Chacha) namely Sh. Arjan Dass. The applicant has also submitted copy of letter dated 29.08.1964 issued by DDA to Sh. Arjan Dass and Sh. Suraj Bhan regarding execution of lease deed in their favour in support of his claim. The applicant further stated



that he became the owner of the property through inheritance after the death of the father and mother of the applicant. The applicant further stated that the property received through inheritance does not attract any disqualification as stipulated in 3rd proviso to Section 87 of the DCS Act, 2003.

In the instant case the applicant, Sh Inder Kishan Gupta has pointed out a new fact, which was not in the knowledge of undersigned when the said order dated 03.05.2024 was passed as the applicant had failed to submit copy of relevant documents at that stage. The applicant has further submitted relevant documents to prove that the property in question was devolved on him through inheritance.

In view of above mentioned facts and circumstances, I am of the considered opinion that the review application filed by Sh. Inder Kishan Gupta for review of order dated 03.05.2024 in the matter Bhagwati CGHS Ltd Vs Sh Inder Kishan Gupta ought to be allowed and the order earlier passed by undersigned is required to be modified. Accordingly, the order No. 47/GH-1112/AR/Sec-1/GH/RCS/2022-24/1043-45 dated 03.05.2024 is hereby modified and membership of Sh. Inder Kishan Gupta in Bhagwati CGHS Ltd is hereby restored.

Ordered accordingly.



(Anil Kumar Singh)
Registrar Cooperative Societies

To

- 1 President/Secretary, Bhagwati Co-operative House Building Society, Plot No 1A, Sector 22, Dwarka, New Delhi-110075
- 2 Sh Inder Kishan Gupta s/o Sh Suraj Bhan Gupta r/o Cheap Attachi House, 133 Sadar Bazar, Delhi 110006
- 3 Asstt. Registrar (G/H Section-I), O/o RCS, Parliament Street, Old Court Building, Delhi - 110001.
- 4 Asstt. Registrar (Computer Cell) with the request to upload the order on the departmental website.
- 5 Guard file.