

**REGISTRAR COOPERATIVE SOCIETIES
(OFFICE OF THE ADDL. REGISTRAR)
GOVT. OF NCT OF DELHI
PARLIAMENT STREET, NEW DELHI-110001**

F.No.47/218/AR/Sec-III/U/s-91/2025/136-140

Dated:- 19/03/2025

IN THE MATTER OF:

Jitender Singh Yadav & Jyoti

.....Appellants

Versus

Gewa Sampada CGHS Ltd.,
(Through President/Secretary)

.....Respondent

ORDER UNDER SECTION 91 OF DCS ACT, 2003

1. By this Order I shall dispose off the appeal dated 20.01.2025 under section 91 of DCS Act, 2003 filed by the appellants against the respondent society for its refusal to transfer membership in favour of the appellants.

BRIEF FACTS OF THE CASE:-

2. An appeal dated 20.01.2025 has been filed by the appellants Sh. Jitender Singh Yadav & Mrs. Jyoti against the respondent society Gewa Sampada CGHS Ltd., Arjun Apartments, Vikaspuri, New Delhi-110018. The appellants have stated that it purchased flat No.38-C on payment of consideration from Sh. J.P. Mittal S/o Sh. H.L. Vaish who was the original allottee of the flat in question by virtue of registered sale deed on 03.07.2024 vide registration No. 2024/25/I/18088 in Book No:I, Volume No.11930 on page No.85 to 100 copy of which was provided to the society. No Dues Certificate dated 27.06.2024 was issued to the original allottee i.e. Sh. J.P. Mittal of the flat in question by the respondent society. Copy of No Dues Certificate has been annexed with the appeal. Thereafter, on 26.10.2024 the appellants re-submitted the application to the President of the concerned society for transfer of membership in the said flat.
3. Further, on 05.11.2024 the appellants submitted another complaint to the Registrar office against the society, stating that the society demanding of entry fee in lieu of issuance of share and membership certificate.
4. The concerned Society vide its reply dated 05.12.2024 to the AR (Sec-III/GH), the respondent society stated that they have neither obstructed their entry into the

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Apartments premises, nor demanded any fees and they may be having some vested interest in making such false allegations. On 01.01.2025, copy of society reply has been forwarded to the appellants by this office for information.

5. The appellant vide its letter dated 21.01.2025 has submitted a complaint to the Registrar office u/s 91 of DCS Act 2003 against the society stating that the documents for issuance of Share & Membership Certificate were already submitted in the society office, but the society office did not issued transfer of membership despite of lapses 30 days and requested to take cognizance as per DCS Act, 2003.
6. Notice dated 31.01.2025 u/s-91 of DCS Act, 2003 was issued to the appellant and respondent society for appearance held on 18.02.2025. Arguments were heard from the appellant and the respondent society on 18.02.2025 in length.
7. The respondent Society appeared personally on 18.02.2025 before the undersigned and submitted a reply dated 11.02.2025 wherein he stated that:-
 - a) Mr. Jitender Singh Yadav purchased flat No.38-C from Sh. J.P. Mittal (original allottee) in the Gewa Sampada CGHS Ltd., Arjun Apartments, Vikaspuri, New Delhi-110018. On the first meeting, the complainant with three men, claiming one of them to be J.P. Mittal, while the identities of the other two were undisclosed. Jitender Singh Yadav stated that he was purchasing the flat from J.P. Mittal but that some documents were missing and requesting to certify the photocopies of the documents and issue a share certificate, assuring that he would submit the required request letter, affidavit and police FIR the next day. The share certificate was issued on 13.05.2024 on the based on the verbal assurance.
 - b) After the incident, J.P. Mittal never appeared again. Jitender Singh Yadav visited the society office once or twice and mentioned to the society as a witness in the registry purely on verbal good faith, as both of us hail from Haryana. On the day of the property registry, it was discovered that the person whom Jitender Singh Yadav initially introduced as J.P. Mittal was an imposter.
 - c) When the society refused to sign as a witness, Jitender Singh Yadav and his father threatened and forced the society to sign, leaving no option with society office but to comply under pressure. After the fraud came to light, the society management was informed and thereafter, the management issued a letter to J.P. Mittal, asking him to submit the pending documents. The letter stated that failure to provide the documents would results in the cancellation of the share certificate. J.P. Mittal never responded and as a result, the share certificate was cancelled.

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- d) A General Body meeting of the society was conducted on 19.01.2025 wherein it was clarified to all the residents awaiting their share certificate that the documents are under scrutiny and the process shall be completed till 31.01.2025 and the certificates shall be issued forthwith. Moreover, the management has moved police complaint against the appellant herein for committing cheating by impersonation, misrepresentation and fraud. Since, J.P. Mittal the original owner has not approached or has ever appeared in person or through any attorney before the society management, therefore, the share certificate pertaining to house no.38-C cannot be issued.
8. The appellant also appeared personally on 18.02.2025 before the undersigned and stated that the reasons given by the society is totally fabricated and baseless, as the copy of share certificate No.411 dated 03.04.2016 (membership No.313) in the name of original allottee i.e. J.P. Mittal was already handover to the society office. Sh. J.P. Mittal has registered an FIR dated 12.05.2024 regarding loss of Share Certificate in the P.S. Crime Branch, Delhi and as per FIR, duplicate Share Certificate No.614 was issued on 13.05.2024 to Sh. J.P. Mittal in lieu of the certificate No.411. The appellant has also informed that the society office has issued him Share Certificate (Membership No.313) which was immediately cancelled and directed to arrange the same from previous owner and submit.
9. The society did not raise any objection as regards the documents which they received from Office of Registrar Cooperative Societies for transfer of membership in favor of Sh. Jitender Singh Yadav and Mrs. Jyoti. The only objection that the original Share Certificate is required from previous owner of the said flat. No other objection has been taken by the society during the arguments.

From the documents submitted by the appellant with the application, it is observed that the original allottee of the flat Sh. J.P. Mittal sold the flat in question to Sh. Jitender Singh Yadav executed through sale deed on 03.07.2024. Apart of this, Sh. Devender Singh, the president of the society has been given their own witnesses at the time of registered sale deed, which cannot be denied. Apparently, it has also come to the noticed that whenever share and membership certificate are issued by the society, the all papers are being checked carefully from the society management, who are fully responsible for scrutinized the documents. Further, at the present case, it has also observed that due to loss of original documents of the Sh. J.P. Mittal as per FIR, the society cannot denied to issue the share certificate in the favor of appellants.


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All the conditions as required under the provisions of Section 91 of DCS Act 2003 are fulfilled in the present case.

I am in agree with the argument of the appellant that membership cannot be denied on the ground of alleged non submission of original Share Certificate from previous owner. No other disqualification has been pointed out by the respondent society qua the appellant for his becoming a member of the society. Transfer of Membership cannot be refused without the sufficient cause. The society does not have an unfettered right to admit, deny or refuse for transfer of membership.

In view of the above, the respondent society is directed to transfer membership in the name appellants i.e. Sh. Jitender Singh Yadav S/o Sh. Jagdish Singh Yadav & Mrs. Jyoti W/o Sh. Jitender Singh Yadav in r/o flat no.38-C within 07 days from the date of receipt of this order.

It is ordered accordingly.


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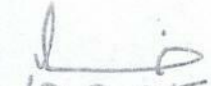
Addl. Registrar Cooperative Societies

F.No.47/218/AR/Sec-III/U/s-91/2025/136-140

Dated:- 19/03/25

Copy to the following:-

1. Sh. Jitender Singh Yadav, Flat No.38-C, Gewa Sampada Co-operative Group Housing Society, Arjun Apartment, Vikas Puri, New Delhi-110018 w.r.t. your appeal for transfer of membership under U/s-91 for information.
2. The President, Gewa Sampada Co-operative Group Housing Society, Arjun Apartment, Vikas Puri, New Delhi-110018, for compliance this order.
3. AR (Section-3), O/o the Registrar Co-operative Society, GNCTD for information.
4. In-charge (Computer Cell) for uploading the order on the website of this department.


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(LEKHRAJ)

Addl. Registrar Cooperative Societies