

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

F.No.47/1339/AR/Sec-III/U/s-91/2025/174-177

Dated:- 03/04/2025

**IN THE MATTER OF:**

Sh. Vinod Kumar Syal  
Flat No. 231, Guru CGHS Ltd.,  
Plot No. 02, Sector-6  
Dwarka, New Delhi-110075

..... Appellant

**Versus**

The President/Secretary  
Guru CGHS Ltd.,  
Plot No. 02, Sector-6  
Dwarka, New Delhi-110075

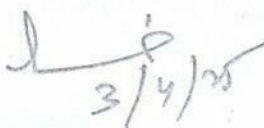
.....Respondent

**ORDER UNDER SECTION 91 OF DCS ACT, 2003**

1. By this Order I shall dispose off the appeal dated 27.11.2024 under section 91 of DCS Act, 2003 filed by the appellant against the respondent society for its refusal to transfer membership in favour of the appellant.

**BRIEF FACTS OF THE CASE:-**

2. An appeal dated 27.11.2024 U/s-91 has been filed by the appellant **Sh. Vinod Kumar Syal**, R/o: Flat No.231, Guru CGHS Ltd., Dwarka, New Delhi-110075, against the respondent society Guru CGHS Ltd., Dwarka, New Delhi-110075 regarding grant of membership. The appellant has stated that he purchased flat No.231 on payment of consideration from Mrs. Swati Chawla & Mrs. Renu Bhatia by virtue of registration sale deed on 17.10.2022 vide registration No.12173 in Book No.1 Volume No.11743 on page No.36 to 45, copy of which was provided to the society. Thereafter, on 27.11.2024 the appellant re-submitted the application to the Registrar of this office for transfer of membership in the said flat.
3. Further, the concerned society vide its reply dated 06.11.2024 addressed to the Assistant Registrar (Sec-III/GH), respondent society stated that this does not alter the legal position regarding Sh. Vinod Kumar Syal eligibility for membership in the society. The respondent society has referred judgment of "Bhagwati CGHS Ltd., V/s Usha Taneja & others" passed on 03.05.2024 by the Hon'ble Registrar Co-operative Societies, which explicitly address the issue U/s 20(i)(c)(iii) for disqualification for members and this rule is to prevent such applications where a family has already

  
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been part another society and the rule is intended to ensure that no individual or their family holds or has held membership in more than one society. The society has also stated that the spouse of the appellant has already have a membership of Unique Insurance CGHS Ltd,. Therefore, the appellant is remain ineligible for membership in Guru CGHS Ltd,.

4. The Assistant Registrar (Sec-III/GH) vide its letter dated 13.12.2024 addressed to the President/Secretary has stated that the above judgment of "Bhagwati CGHS Ltd., V/s Usha Taneja & others", was the case of primary membership whereas instant case is transfer of membership u/s-91 of DCS Act and the concerned society was directed to foremost duty of the M.C. of the society to transfer the membership of the Sh. Vinod Kumar Syal.
5. Notices dated 08.01.2025, 24.02.2025 & 10.03.2025 u/s-91 of DCS Act, 2003 were issued to the appellant and respondent society for appearance before the Appellant Authority and arguments were heard from the appellant and the respondent society in length.
6. The respondent Society/representative appeared personally on the all hearing dates before the undersigned and submitted its reply, wherein he stated that:-
  - a) The membership cannot be granted in the respondent society, as it did not comply with the statutory requirement under rule-20(i)(c)(iii), the said rule is clearly states that "No person shall be eligible for membership of a housing society if he or his spouse or any of his depended children owns a dwelling house or a residential plot of land in any of the approved or unapproved colonies or other localities in the Union territory of Delhi". Thus, the petitioner has no legal right to membership.
7. The appellant also appeared personally on the all hearing dates before the undersigned and submitted its reply for grant of membership, wherein he stated that:-
  - a) He had initially applied for membership in March, 2024 and several reminders given in the respondent society.
  - b) The reason for rejection of membership in the Guru CGHS Ltd., in regard to her spouse is already member of Unique Insurance CGHS Ltd., is totally unjustified, as her wife has already been surrender her membership from Unique CGHS Ltd., vide request dated 18.09.2024 of his spouse i.e. Mrs. Renu Syal. Her request for cancellation of membership has been considered and resignation accepted by the Managing Committee of the Unique Insurance CGHS Ltd., on which, he may be considered for membership on this ground. Despite of the above, the respondent society demeaning attitude of management is causing him mental harassment & trauma.

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- c) The Appellant has complaining against illegal interchange of the allotted parking & misuse of authority by society management and reported that upon moving into the flat in December-2023, he discovered that the originally allotted parking space (Parking No.16, Tower-4, facing the RO Plant) which was assigned to the first owner i.e. Sh. A.K. Hundal (& shown to him at point of purchase) had been unlawfully interchanged with parking No.20. This parking space was interchanged with Mr. R.K. Medhavi (Flat No.271), who also serves as the President of the society managing committee.
- d) It stated that Investigation Officer Mr. H.C. Naresh Kumar (Dwarka South Police Station) visited the society and confirmed in his report that the original serial numbers of parking No.16, 17, 18, 19 had been changed to 20, 17, 18, 19 & 16 respectively.
- e) The Ex-President, who made the original allotments in 2006, confirming that only the General Body has the authority to change parking allocations and that any changes made internally by the MC are invalid and inappropriate.
8. The society did not raise any objection as regards the documents which they received for transfer of membership in favour of Sh. Vinod Kumar Syal. The only objection that the applicant spouse is an existing member of Unique Insurance CGHS Ltd., vide membership No.309. Further, as per the Minutes of the MC meeting held on 7<sup>th</sup> July, 2024, it is apparent that at the outset, the case for membership of the applicant prima facie attracts a case of dual membership and the same therefore attracts disqualification under Rule-20. The MC of the society has also seeking direction/guidance from this office whether to admit the said member or reject his application for membership. It is also observed that there is no other objection has been taken by the society during the arguments.
9. On the perusal of the file, it is evident that his spouse i.e. Mrs. Renu Syal has already been surrendered her membership from the Unique Insurance CGHS Ltd., Unique Apartment, Plot No.38, Sec-6, Dwarka, New Delhi and the matter cannot be considered as a dual membership. At present, Sh. Vinod Kumar Syal and his spouse i.e. Mrs. Renu Syal have no membership in any other Group Housing society. Accordingly, Sh. Vinod Kumar Syal applied membership in the Guru CGHS Ltd., Dwarka under the provision of DCS Act, 2003 & Rules, 2007 at present. It means, he is eligible for grant of membership in the Guru CGHS Ltd., Dwarka.
10. It is pertinent to mention here that Parking Reservation charges Rs.15,000/- (Rupees Fifteen Thousand only) is the one time only for lifetime was received by the society vide receipt number GCGHS/PARKING-16 Dated 01.01.2006, as per Terms and Conditions for reserved car parking area. It has also mentioned here that "The car parking may be transferred only with the change of ownership of the flat and not in part or by any other means", in which, it is clearly evident that the parking No.16 should be transfer in the name of Sh. Vinod Kumar Syal. Despite that, the Managing Committee did not provide the parking number-16.

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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 that the appellant is an existing member of Unique Insurance CGHS Ltd., Unique Apartment, Plot No.38, Sec-6, Dwarka, whereas his spouse Mrs. Renu Syal has already been surrendered her membership from the Unique Insurance CGHS Ltd., Plot No.38, Sec-6, Dwarka, New Delhi. 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 appellant i.e. **Sh. Vinod Kumar Syal** in r/o Flat No.231, Guru CGHS Ltd., Dwarka, New Delhi-110075 within 07 days from the date of receipt of this order.

It is ordered accordingly.

83/4/25  
(LEKHRAJ)

**Addl. Registrar Cooperative Societies**

F.No.47/1339/AR/Sec-III/U/s-91/2025/174-177

Dated:- 03/04/2025

Copy to the following:-

1. Sh. Vinod Kumar Syal, R/o: Flat No.231, Guru CGHS Ltd., Dwarka, New Delhi-110075 w.r.t. your appeal for transfer of membership under U/s-91 for information.
2. The President/Secretary, Guru CGHS Ltd, Plot No.2, Sector-6, Dwarka, New Delhi-110075 for compliance of the order.
3. The AR (Section-3), O/o the Registrar Co-operative Society, GNCTD with the direction to appoint an OBSERVER in the matter to find out veracity of the complaint filed regarding change of allotment of parking No.16 and submit a consolidate report to this office within 15 days from the date of issuance of the order, so that appellant may not faces injustice.
- ✓ 4. In-charge (Computer Cell) for uploading the order on the website of this department.

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(LEKHRAJ)

**Addl. Registrar Cooperative Societies**