

GOVT. OF NATIONAL CAPITAL TERRITORY DELHI
IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001

Dated: 13/8/26

F.No.47/GH-1112/AR/SEC-1/GH/RCS/2023/2050-54

IN THE MATTER OF:-

Sh. Neeraj Dhawan &
Smt. Naina Dhawan

..... Petitioners

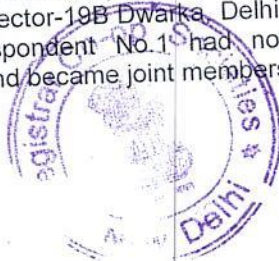
VERSUS

Bhagwati CGHS Ltd.

..... Respondent

ORDER

1. This order will dispose of the proceedings initiated pursuant to the order dated 09.01.2026 passed by the Hon'ble Financial Commissioner in Revision Petition No. 143/2025, titled as "Sh. Neeraj Dhawan & Anr. Vs. RCS & Anr." wherein Hon'ble Financial Commissioner had remanded back the case to this office to decide the matter afresh after affording an opportunity to all the parties with a direction to Ld. RCS to pass a speaking and reasoned order, after hearing all the parties, keeping in view the relevant judgments of the Hon'ble Supreme Court of India and High Court of Delhi.
2. The order dated 09.01.2026 passed by Hon'ble Financial Commissioner reads as under:
"Keeping in view the averments made by the Counsel for R-1, RCS and R-2 Society, the matter is remanded back the Ld. RCS to verify the claims of Petitioner, taken into consideration the provisions of law as well as the judgments relied upon by the petitioner as well as R-2/Society i.e. DDA Vs. Jitender Pal Bhardwaj (2010) 1 SCC 146, Kalu Ram Sharma Vs. The Financial Commissioner, Delhi WPC No.794/2012 and Bindiya Aggarwal Vs RCS & Anr. WPC No.2550/2011 and then pass a speaking and reasoned order after hearing all the parties preferably within three months".
3. The notices were issued to all the parties, during the proceedings, the counsel for the respondents made the verbal as well as written submissions on 16.04.2026 along with several orders / judgments, passed by the office of Registrar Cooperative Societies in respect of several other members of the same Society i.e. Bhagwati CGHS Ltd., whereby the then Registrar had dropped the proceeding against the members, the respondents claim parity of their case viz. a viz. the members against whom the proceedings had been dropped by this office.
4. Brief facts of the case are that the respondents, on coming to know about the project of the petitioner Society, met the officials of Society in March, 2018 and clearly informed them that they were looking for a flat for their sons as the respondent No.1 already owned a Flat No.A-21 in Golf View Apartments, Plot No.4, Sector-19B Dwarka, Delhi though same was not spacious enough to accommodate his sons and their families. As per respondents, officials of Society advised them to take membership in their names as their sons remain out of station / country due to their jobs and may not be personally available to perform the formalities of membership. The officials further assured the respondents that since their share in the land beneath his Flat No.A-21, in Golf View Apartments, Plot No.4, Sector-19B Dwarka, Delhi situated in multi storied building, was less than 66.72 sq. mtr, the respondent No.1 had not suffered any disqualification. Respondents accordingly applied for and became joint members of the petitioner Society.



5. Later, a complaint received by the Society alleging that since the respondents were owning a residential Flat No.A-21, in Golf View Apartments, Plot No.4, Sector-19B Dwarka, Delhi they incurred disqualification and Society thereafter filed a complaint before the Ld. RCS for initiation of proceedings for cessation of their membership. RCS accordingly issued show cause notice dated 12.11.2021 to respondents under Rule 20 (1)(c)(i) & (iii) of DCS Rules, 2007 read with section 87 and 41 (d) of the DCS Act, 2003 for cessation of their joint membership. The RCS vide order 03.05.2024 ceased the membership of the respondents. Thereafter, the respondents filed review application under Section 115(1) of DCS Act, 2003 before RCS for review the order dated 03.05.2024. However, the RCS vide order dated 09.08.2024 dismissed the review petition after holding the same being not maintainable. Aggrieved by the impugned orders dated 03.05.2024 and 09.08.2024 passed by the RCS, the respondents herein preferred the present revision petition before the Ld. Financial Commissioner who remanded the case for fresh adjudication as stated above.
6. The submissions of the respondents are that they, as per the advice of the officials of the Society, acquired joint membership of the Society in their names in 2018, though wanted for their sons, and opted for a five-bedroom flat, without concealing anything about Flat No.A-21 in Golf View Apartments, Plot No.4, Sector-19B Dwarka, Delhi. The respondents thereafter paid substantial amount towards the cost of the flat to respondent society. It is further submitted that same officials of Society who assured them that there is no legal impediment in their becoming the member of respondent society later made a false complaint for ceasing their membership on the same ground which is against law. The respondents contend that the covered area of Flat No.A-21, in Golf View Apartments, Plot No.4, Sector-19B Dwarka, Delhi was 104 sq. mtr. and was situated on 2nd floor in a 10 storied building called Gold View Apartments and therefore, the share of the respondent No.1 in the land beneath the said building was less than 66.72 sq. meters. Thus, the provisions of Rule-20(1)(c)(i) and (iii) of DCS Rules, 2007 are not attracted in the present case in view of proviso to Rule 20 (1) (C) (i) of DCS Rules, 2007 and judgments of Hon'ble High Court of Delhi.

Rule 20 (1) (c) (a) of DCS Rules, 2007 reads as under:

1. No person shall be eligible for admission as a member of a co-operative society if he:-

(a)

(b)

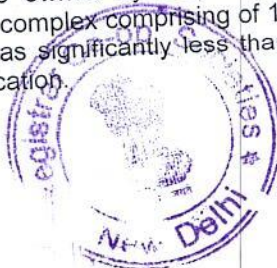
(c) in the case of membership of a housing society:-

(i) owns a residential house or a plot of land for the construction of a residential house in any of the approved or un-approved colonies or other localities in the National Capital Territory of Delhi, in his own name or in the name of his spouse or any of his dependent children, on lease hold or free-hold basis or on power of attorney or on agreement for sale;

Provided that above clause shall not be applicable-

- (c) in case of co-sharers of property whose share is less than 66.72 sq. metres of land or if the residential property devolves on him by way of inheritance;
- (d) In the case of a person who has acquired on power of attorney or through agreement to sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned.
- (ii) deals in purchase or sale of immovable property either as principal or as agent in the National Capital Territory of Delhi; or
- (iii) his spouse or any of his dependent children is a member of any other co-operating housing society.

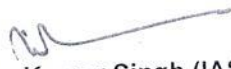
7. It is observed that the aforesaid Flat No.A-21, in Golf View Apartments, Plot No.4, Sector-19B Dwarka, Delhi was owned by respondent No.1 only and was situated in a multi-storeyed residential building complex comprising of 10 floors. Thus, the individual share of the Respondent No.1 in the land was significantly less than 66.72 sq. mtrs. Therefore, the respondents did not incur any disqualification.



8. The Hon'ble High Court of Delhi in the cases of "Kallu Ram Sharma Vs. The Financial Commissioner of Delhi" and "Bindiya Aggarwal Vs. RCS &Anr", has also held that it is the individual share in land and not the area of flat in a multi-storied building which is to be seen while deciding the issue of disqualification.
9. Accordingly, the Show Cause Notice dated 21.11.2022 issued under Rule 20(1)(c)(i) & (ii) of the Delhi Cooperative Societies Rules, 2007 is hereby withdrawn, and Sh. Neeraj Dhawan and Smt. Naina Dhawan, continue to be the joint members of the Bhagwati CGHS Ltd.

Ordered accordingly.




Krishna Kumar Singh (IAS)
Registrar Cooperative Societies

Sent to:-

1. President / Secretary of Bhagwati CGHS Ltd. Plot No.1A, Sector-22, Dwarka New Delhi-77
2. Sh. Neeraj Dhawan and Smt. Naina Dhawan, through President / Secretary of the Bhagwati CGHS Ltd., Plot No.1A, Sector-22, Dwarka, New Delhi-77.
3. DRCS (Sec-1), office of RCS.
4. DRCS IT Cell, office of RCS.
5. Guard File.