

**OFFICE OF THE REGISTRAR CO-OPERATIVE SOCIETIES  
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001.**

No.F.47/W.P.(C) No.2278/2018/Sec-I/RCS/2

Dated:

**ORDER**

This order disposes of the proceedings initiated in compliance with the Order dated 08.08.2018 passed by the Hon'ble High Court of Delhi in CONT. CAS(C) No. 595/2018, titled D D Joshi Vs. Dr. Jayadev Sarangi, I.A.S. Registrar of Cooperative Societies & Ors., wherein it was directed:

*The Registrar Cooperative Societies shall expedite the disposal of the subject proceeding culminating in a reasoned and speaking order preferably within six weeks from today, in accordance with law.*

The main contention of the petitioner is for cessation of membership of Respondent No. 4/Shri Sandeep Wahal (Membership No. 170), the member in Akash Bharti CGHS Ltd. u/s 87 of DCS Act, 2003 and Rule 100 of DCS Rules, 2007 on the ground that Sh. Sandeep Wahal (MS No. 170) obtained the membership of the society in contravention of Rule 20(1)(c), Rule 54, Rule 55 & Rule 100 of DCS Rules, 2007 along with section 41 & 87 of DCS Act, 2003 as having dual properties.

The petitioner further mentioned that he has filed a complaint on 01.07.2013 u/s 41 & 87 of DCS Act, 2003 and Rule 20(1)(c), Rule 54, Rule 55 & Rule 100 of DCS Rules, 2007 for disqualification and cessation of membership of Sh. Sandeep Wahal (Membership No. 170).

On receipt of the contempt petition no. CONT. CAS(C) No. 595/2018, this Office issued a notice dated 07.08.2018 to Sh. Sandeep Wahal (MS No. 170) with the direction to furnish his reply with the documentary evidence within 10 days.

Pursuant to the letter dated 07.08.2018, Sh. Sandeep Wahal submitted his reply vide letter 17.08.2018 mentioning that two (02) flats were purchased by him (Flat No. E-5) & his spouse (Flat No. A-9) in Aakash Bharti CGHS Ltd. and he has also purchased another Flat No. 246 in Bathla Apartment, I.P. Extension, Patparganj, Delhi from the open market by paying its full price.

He further submitted that he has obtained the membership of Flat No. E-5 in the aforementioned society under the provisions of Section 91 of DCS Act, 2003 from the society as it is his constitutional right.

A copy of this reply was forwarded to the petitioner, Sh. D.D. Joshi, on 31.12.2018 for his response; however, no response has been received from the petitioner till date.



Upon perusal of the reply dated 17.08.2018 of Sh. Sandeep Wahal, it is observed that paragraphs 4 to 6 of the said reply regarding submissions on inapplicability of the rule 20(1)(C) of DCS Rules, 2007, section 41 and section 87 of DCS Act, 2003 stands substantiated while looking at these provisions which are not attracted to hold that any of the disqualification as required has been incurred by him. Sh. Sandeep Wahal undisputedly is not original member of said society nor the allottee of the flat purchased by him which was sold to him by its erstwhile member who ceased to be its member on its sale to Sh. Sandeep Wahal who applied for regularization of his occupancy rights to its Managing Committee under Section 91 of DCS Act, 2003 which was granted.

The provision of section 87 of DCS Act, 2003 stipulates that a person shall cease to be a member of co-operative Society on disposing of property through an instrument of power of attorney and agreement for sale or before becoming member already owns either in his name or in the name of spouse or any of his dependent children and after becoming a member during currency of membership, till allotment of any plot or flat to him as the case may be, acquires in his own name or in the name of spouse.

It is undisputed fact that the flat in question was not allotted by society to Sh. Sandeep Wahal, therefore he cannot ceased to be its member in view of a fact that his wife purchased a flat similarly from its original allottee (another member of said Society). It is also undisputed fact that there is single membership in the said society in the name of Sh. Wahal as per second proviso of section 91 of DCS Act, 2003 and his wife is not a member of said society nor she applied for transfer membership in her name in respect of the flat (Flat No. A-9) in her occupation for the regularization of occupancy rights. Therefore, the provision of rule 20 (1)(C) of DCS rules, 2007 is also inapplicable to disqualify Sh. Sandeep Wahal as the said rule cannot be read in isolation, whose intent isn't different from the aforesaid statutory provisions to be invoked independently in the present matter.

It is also noted that Sh. D.D. Joshi had challenged the membership of Sh. Sandeep Wahal twice after he became the office bearer of the Managing Committee of the said society thereafter unsuccessfully challenged his elections since 2012 and seeking his expulsion from its membership as well as praying for the prosecution sanction against him u/s 118(5) of Chapter XIII of DCS Act, 2003; for violation of section 86(b) of DCS Act, 2003 for submitting false documents for obtaining membership of said society. However, no documentary evidence is stated to be produced in this office for granting prosecution sanction to Sh. D.D. Joshi who only referred the provisions in the Act which are insufficient for holding any offences as alleged by him, have been committed by Sh. Sandeep Wahal.

In view of the above facts and circumstances, I Krishna Kumar Singh, Registrar Co-operative Societies, Govt. of NCT of Delhi, is of the considered opinion that no case for cancellation of membership of Sh. Sandeep Wahal



in the said Society or for granting sanction for his prosecution in law is made out. The complaint filed by Sh. D.D. Joshi is hereby deemed "**not maintainable**".

It is ordered accordingly.

  
**KRISHNA KUMAR SINGH, IAS**  
**REGISTRAR CO-OPERATIVE SOCIETIES**

No.F.47/W.P.(C) No.2278/2018/Sec-I/RCS/216-217-218-219 Dated: 13/5/21

Copy to :-

1. The President/Secretary, Aakash Bharti CGHS Ltd., Plot No. 24, I.P. Extension, Patparganj, Delhi-110092.
2. Sh. D.D. Joshi, Flat No. H-2, Akash Bharti CGHS Ltd., Plot No. 24, I.P. Extension, Patparganj, Delhi-110092.
3. Sh. Sandeep Wahal, Flat No. E-5, Akash Bharti CGHS Ltd., Plot No. 24, I.P. Extension, Patparganj, Delhi-110092.
4. Deputy Registrar (IT) with the direction to upload this Order on the official website of the RCS Office.

  
**KRISHNA KUMAR SINGH, IAS**  
**REGISTRAR CO-OPERATIVE SOCIETIES**