

**OFFICE OF THE REGISTRAR CO-OPERATIVE SOCIETIES
GOVT. OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001**

F. No. 107524683/RCS/S-IV/2026/2307-10

Dated:- 30/04/2026

ORDER

Whereas, the Kala Vihar Cooperative Group Housing Society Ltd. Mayur Vihar Phase-I, Extn., Delhi-110001 is registered vide Registration No. 235/GH with this department under the provision of Delhi Co-operative Societies Act/Rules & registered Bye-Laws of the society.

Whereas, the 31 members residing in the society vide letter dated 03.12.2025, requested for removal of the existing Management Committee and for conducting fresh elections at Kala Vihar CGHS Ltd., as the 5 members of Managing Committee resigned from their respective post out of existing 8 members. Therefore, MC of society lost its mandate and it becomes ineffective.

The O/o RCS in compliance of order of Hon'ble FC issued notice to both the parties and opportunity was given to both parties to explain their stand/contention during hearing.

Whereas, the President of society vide letter dated 30.11.2025 informed that society had co-opted 03 three new members. The act of co-opting members to the Managing Committee is not in consonance with the provisions of the DCS Act, 2003 and Rules, 2007 framed there under, as there is no provision permitting co-option of Managing Committee members upon resignation of elected Managing Committee members. Hence, the Co-option of members is illegal & not as per the provisions of DCS Act, 2003 & DCS Rules, 2007.

Whereas, standard Bye Law 23 (1) of the DCS Act, 2003 as the society comes under the minority and lost its mandate and cannot appoint Returning Officer i.e. Sh. Girish Arora to conduct the election for vacant post created by resignation of MC members. Bye Law 23 (1) of DCS Act, 2003 is reproduced as under:

23(1) The Managing Committee shall consist of at least 5 members of the society and not more than 15, over the age of 21 years including a President and Vice President.

Whereas vide order dated 26.12.2025 the Co-option of members by President of Kala Vihar CGHS Ltd. was declared as null & void and the Election agenda dated 06.12.2025 issued by Returning Officer i.e. Sh. Girish Arora to conduct the election on 21.12.2025 as null and void. The appointment of Sh. Girish Arora was also declared null & void as minority Managing Committee lost its mandate & cannot appoint Returning Officer.

The Administrator-cum-Returning Officer was appointed vide order dated 26.12.2025 in Kala Vihar Cooperative Group Housing Society Ltd. Mayur Vihar Phase-I Extn., Delhi-110001, under Section 35 (5) of DCS Act, 2003, for a period of 90 days to conduct elections for constituting a new Managing Committee of the society.

The aggrieved Managing Committee of society approached the Financial Commissioner to dismiss the order dated 26.12.2025 of O/o RCS. The Financial Commissioner remanded back the case to RCS to hear the petitioner with the order that the co-option of members and the agenda of election were declared 'null and void' by the order dated 26.12.2025 shall continue. However, the appointment of Administrator-cum-Returning Officer under Section 35(5) of DCS Act 2003 in the Society vide order dated 26.12.2025 was kept in abeyance.

Further, the Financial Commissioner after reviewing the order dated 06.02.2026 that the respondent, society was not able to clarify that even if the cheque was issued prior to the decision of FC court, why it did not transparently state so before the FC court at the stage of arguments or even immediately after the order of FC court on 06.02.2026 to the extent that all future financial decisions and releases must now be approved exclusively by the appointed Administrator of RCS. This is essential to prompt any financial impropriety from any party as stated by FC in judgement dated 20.03.2026.

The Financial Commissioner also allowed the Managing Committee of Society to incur the expenditure only to extent of release of the salary of the employees in the Society and meet expenses on the essential services of water, electricity and sweeping of the Society.

The complainants vide their reply dated 04.03.2026 had raised the various issues about malfunctioning of the Society and Managing Committee being minority due to resignation and unfortunate death of MC members as well as sale of the property of a member. The complainant raised the issue of Bye-Law number of 55 for the Society to take appropriate action under Section 37 of the Act 2003. They also claimed that as per the Bye-Law 23 (1) the Managing Committee should be consisted of atleast 5 members of the Society and if the members of the Society becomes less than 5 the MC of the Society will become 'Functus Officio'. They further claim that the President Mr. Sultan Chaudhary should have approached the Tribunal as per the provision of Section 116 of the Delhi Cooperative Societies Act, 2003 contrary to that he approached the Financial Commissioner with the grievances that he was not heard before issuing of the order dated 26.12.2025. The complainants also prayed to restore the order dated 26.12.2025 of the O/o RCS and also requested to carry out the inspection and inquiry as prescribed U/s 61 & 62 of DCS Act, 2003.



As the Ex-MC of the Society was given a chance to explain their stand in compliance of Financial Commissioner order dated 06.02.2026. The Society in their reply tried to not accept the charges levled against them and also said that the Complainants concealed the facts and they were present in the GBM to conduct the Bye Elections and Returning Officer was appointed unanimously from time to time. They also did not receive the resignations of Smt. Jyotsana Sharma & Sh. V.S. Chopra and the MC did not take up the non-existent and the imaginary resignations of those members.

The Society also informed that the present complainants also previously challenged the election of Management under Section 70 following which the then MC had been forced to resign and demit office. Thereafter, the fresh Elections were held and the present MC was constituted.

The Society also claimed that against the approved work order of Society for building maintenance of Rs. 47 Lacs, the complainant objected to the commencement of the work and the contractor was forced to stop the work and the complaint dated 05.12.2025 was also filed by the contractor before the Society.

The Society also informed that they had informed the obstructing members that the contractor was claiming damage to the extent of Rs. 8 Lacs. The Society also informed that the entire amount would have to be borne by the Complainants as the society is not at a fault.

The co-option of members and election agenda were made null and void by the order dated 26.12.2005 and further the appointment of Administrator with the same order was done as per the provisions of the DCS Act, 2003 and DCS Rules, 2007.

Both the parties were provided sufficient opportunities and the matter was heard in detail in the O/o RCS on 11.02.2026, 16.02.2026 05.03.2026 & 25.03.2026 as well as 06.04.2026. The Ex-MC failed to provide any applicable section or rule to reverse the decision made by the order dated 26.12.2025 and the above submissions made by the Ex-MC during the hearings are irrelevant w.r.t the order dated 26.12.2025.

The order dated 26.12.2025 was issued to ensure and re-establish the democratic set up as per the provisions of the Delhi Co-operative Societies Act, 2003 and the Delhi Co-operative Societies Rules, 2007.

Hence, the period of Sh. Deepak Bhardwaj appointed as Administrator-cum-Returning Officer of the Kala Vihar CGHS Ltd., u/s 35(5) of the DCS Act, 2003, vide this office order dated 26.12.2005, is regularized w.e.f. 26.03.2026 to till date and his period is further extended for 90 days with strict direction to



conduct the Election of the society within the aforesaid period. Till then he may issue cheques as Administrator for all emergent work and salary of staff at the first instance. Further, if any unavoidable payment is to be made for the betterment of the Society concerned he may take prior approval of RCS.

This issues with the prior approval of the Competent Authority.

(DEPUTY REGISTRAR)
SECTION-IV/GH

Sh. Deepak Bhardwaj,
Administrator-Cum-R.O
G-17/15, 1st Floor,
Sector -15, Rohini,
Delhi-110085.

F. No. 107524683/RCS/S-IV/2026/

Dated:-

Copy for information to:-

1. PS to RCS, O/o the RCS, Parliament Street, Old Court Building, New Delhi-110001.
2. Ex-President/Secretary, Kala Vihar Cooperative Group Housing Society Ltd., Mayur Vihar Phase-I Extn., Delhi-110091.
3. DRCS (IT), O/o the RCS, Parliament Street, Old Court Building, New Delhi-110001.

(DEPUTY REGISTRAR)
SECTION-IV/GH