

**IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES, DELHI**  
**OLD COURTS BUILDING, PARLIAMENT STREET, NEW DELHI-110001**

F.NO.47/GH-1112/AR/SEC-1/GH/RCS/2022 /3262-65

DT 1-26/5/25

**IN THE MATTER OF:**

Jagat Singh

Petitioner

Versus

Pushpendra Kumar Kalia

Respondents

**ORDER**

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 23.08.2024 issued u/r 20(1)(c)(1) & (iii) (2) of DCS Rules, 2007 read with Section 87 & 41 (d) of DCS Act, 2003 whereby was called upon to show cause as to why cessation of membership should not be granted against them U/r 20(1) (c) (i) & (iii) of DCS Rules 2007 read with section 87 & 41(d) of DCS Act, 2003,

**The brief facts of the case are as under:-**

Sh. Pushpebdra Kumar Kalia was enrolled as a member of the Bhagwati Co-operative Group Housing Society Ltd (Regn. No. 1112/GH), Plot no. 1A, Sector-22, Dwarka, New Delhi-110075 . The petitioner has stated that the respondent is having a residential property in Delhi bearing No. CA-41 Vishrantika CGHS Dwarka & 3901, Lords CGHS Dwarka Delhi The petitioner accordingly prayed to cease the membership of the respondent on account of disqualification of holding both above mentioned properties.

In his reply dated 24/11/2024 ,The respondent, Sh. Pushpinder Kumar Kalia , submitted that, regarding the alleged property No. A-41, Vishrantika CGHS Ltd., Dwarka, New Delhi, the respondent states that this property was not in his name on the date of obtaining Membership No. 931 in The Bhagwati CGHS Ltd., Plot No. 1-A, Sector 22, Dwarka, New Delhi, i.e., 06/02/2018, as the said property was sold on 18/10/2017.

Regarding the alleged property No. 3901, Lords CGHS, Dwarka, Delhi, the respondent clarifies that this property has never been in his name. It was originally held jointly by their late father, Shri G R Kalia, and his sister, Miss Vinay Kumari Kalia. After the father's death, the property became solely registered in the name of their sister by virtue of a Relinquishment Deed (Registration No. 4500), dated 10th June 2021..

**It is relevant to read the provisions of DCS Act and Rules in this regard which are as under:**

***20. Disqualification of membership***

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

*(c) In the case of membership of a co-operative housing society,*

*(1)owns a residential house or a plot of land for construction of 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 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,*



*(a) 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:*

*(b) in case of a person who has acquired property on power of attorney or through agreement for 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 properties 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 cooperative housing society*

it is pertinent to note that in terms of Section 41(3) of the DCS Act, 2003, the Registrar may of his own motion, if satisfied that any member has incurred any of the disqualification under sub section (1) declare through an order in writing that such member is disqualified to be a member.

In view of the above facts and legal position, it is evident that the property bearing No. 3901, Lords CGHS, Dwarka, was never exclusively owned by Sh. P.K. Kalia. Upon the demise of his father, Late Sh. G.R. Kalia on 21/02/2020, the said property devolved equally among the legal heirs—Smt. Pravesh Sharma, Sh. P.K. Kalia, and Ms. Vinay Kumari Kalia—as per the provisions of the Hindu Succession Act, 1956. However, by virtue of a Relinquishment Deed dated 10/06/2021, the property was transferred solely in the name of Ms. Vinay Kumari Kalia. It is also pertinent to note that Sh. P.K. Kalia had acquired membership in The Bhagwati Co-operative Group Housing Society Ltd. on 06/02/2018, which is prior to the date of devolution of the said property. Therefore, as on the date of obtaining membership, Sh. P.K. Kalia did not own any disqualifying property in his name, nor was the Lords CGHS property ever solely his.

Furthermore, The Bhagwati CGHS Ltd. has also supported the stand of the respondent and confirmed the sequence of events and factual position submitted in his reply.

Accordingly, based on the records and legal evidence submitted, Sh. P.K. Kalia does not incur disqualification under Rule 20(1)(c)(i) & (iii) of the DCS Rules, 2007 read with Sections 87 and 41(d) of the DCS Act, 2003. The cessation proceedings are hereby dropped, and his membership in The Bhagwati Co-operative Group Housing Society Ltd. is restored with immediate effect.

  
Anil Kumar Singh  
Registrar Cooperative Societies

Sent to:

1. Sh. Jagat Ram D-407, Sri Durga CGHS Sector -12 Dwarka Delhi-110075.
2. Sh. P.K Kalia (Through President/ Secretreay )
3. Assistant Registrar (Sec-1), office of RCS
4. ARCS CTB