

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 / 3270 -73

Dt 1-26/5/25

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

Anu Sondhi

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 Sh. Annu Sondhi 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. Anu Sondhi 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.213 Shivani CGHS Ltd. Plot No. 18 Sec-12 Dwarka Delhi. The petitioner accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property No. No.213 Shivani CGHS Ltd. Plot No. 18 Sec-12 Dwarka Delhi.

In his reply dated 28/10/2024, The respondent, Shri Anu Sondhi, submitted that he had clearly disclosed the existence of Flat No. 213 in Shivani CGHS Ltd. before applying for membership in Bhagwati CGHS Ltd. The said flat was gifted by his mother and his individual share in the land was less than 66.72 sq. meters, thus falling under the exemption provided in proviso (a) to Rule 20(1)(c)(i) of the DCS Rules, 2007. Further, the sale of the flat had already commenced prior to enrolment, and he was repeatedly assured of his eligibility by the then Managing Committee. Importantly, Bhagwati CGHS Ltd. has also supported the respondent's submissions, confirming that there was no concealment or violation of rules. Therefore, the respondent prays that there is no ground for disqualification under Rule 20, and his joint membership (No. 913) along with his wife be retained and restored.

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 submissions and documents on record, it is established that Shri Anu Sondhi acquired the property at Flat No. 213, Shivani CGHS Ltd., as a gift from his mother. As per the provisions of Rule 20(1)(c)(i)(a) of the DCS Rules, 2007, such a property received by way of gift from a family member does not attract disqualification. Since the respondent has made full disclosure with no concealment, the membership of Shri Anu Sondhi (Membership No. 913) along with his wife is hereby restored. The show cause notice dated 23.08.2024 stands disposed of accordingly.



Anil Kumar Singh
Registrar Cooperative Societies

Sent to:

8. Sh. Jagat Ram D-407, Sri Durga CGHS Sector -12 Dwarka Delhi-110075.
9. Sh. Annu Sondhi (Through President/ Secretreay)
10. Assistant Registrar (Sec-1), office of RCS
11. ARCS CTB