

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 | 3274 - 72

01-26/5/25

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

Gagan Sikka

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 Gagan Sikka 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:-

Gagan Sikka 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. H-57 Bali Nagar Delhi, the petitioner accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property No.H-57 Bali Nagar Delhi.

In his reply, The respondent, Sh. Gagan sikka, submitted that the property bearing No. H-57, Bali Nagar, New Delhi-110015 mentioned in the notice is owned by his grandmother, Smt. Bhagwan Devi, and not by the respondent.

It is most humbly prayed that this Hon'ble Court may kindly withdraw the Show Cause Notice and close the matter without taking any further action.

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 made by the respondent, Sh. Gagan Sikka, that the property bearing No. H-57, Bali Nagar, New Delhi, is owned by his grandmother Smt. Bhagwan Devi and not by him, and considering that no direct ownership or disqualifying interest has been established against the respondent, the Show Cause Notice dated 23.08.2024 is hereby withdrawn. Further, in light of the provisions of the DCS Act, 2003 and the Rules framed thereunder, which exempt properties acquired by way of inheritance from disqualification, the membership of Sh. Gagan Sikka in Bhagwati Co-operative Group Housing Society Ltd. shall be restored forthwith. The proceedings stand closed accordingly.



Anil Kumar Singh
Registrar Cooperative Societies

Sent to:

1. Sh. Jagat Ram D-407, Sri Durga CGHS Sector -12 Dwarka Delhi-110075.
2. Gagan Sikka (Through President/ Secretery)
3. Assistant Registrar (Sec-1), office of RCS
4. ARCS IT Cell