

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 / 3289 - 92

Dt :- 26/5/25

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

Sudhir Chopra

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 Sudhir Chopra 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:-

Sudhir Chopra 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.F4/16, Model Town in the name of his wife, the petitioner accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property No. .F4/16, Model Town.

In his reply dated 12/09/2024, The respondent, Sudhir Chopra, submitted that a bare perusal of the relevant legal provisions, along with the documents already submitted during the verification drive, clearly establishes that the present matter does not attract any grounds for cessation of membership. The residential property referred to in the notice, F-4/16, Model Town, Delhi, is a family property inherited by his wife, Mrs. Archana Chopra. This property was originally acquired by her father, Shri Hiralal Chunilal Guglani. Upon his demise, it devolved upon his wife, Smt. Sarla Guglani, through a registered will dated 30.12.2002. Following the death of Smt. Sarla Guglani on 21.06.2020, the property further devolved upon Mrs. Archana Chopra and Mrs. Upasna Mehta by virtue of a registered will dated 12.07.2017.

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 and the documents on record, including the Sale Deed dated 26.03.1957, the Will of Shri Hiralal Chunilal Guglani, and the Will of Smt. Sarla Guglani, it is evident that the property in question devolved on the respondent's wife by way of inheritance. Consequently, the provisions of Rule 20(1)(c)(i) of the DCS Rules, 2007, which exempt inherited property from disqualification, apply in this case. Therefore, the Show Cause Notice issued against Sudhir Chopra is hereby withdrawn, and his membership is restored forthwith. The matter stands disposed of accordingly.



Anil Kumar Singh
Registrar Cooperative Societies

Sent to:

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