

**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/2022/3301 -3304

Dt/-26/8/25

**IN THE MATTER OF:**

Jagat Singh

Petitioner

Versus

Savita Gupta

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. Savita gupta 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:-**

Ms. Savita Gupta 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. 424 Cat. A ,2<sup>nd</sup> Floor Plot No. 49 Sec-13 Neelkanth Apartment Rohini Delhi The petitioner accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property No. 424 Cat. A ,2<sup>nd</sup> Floor Plot No. 49 Sec-13 Neelkanth Apartment Rohini Delhi

In his reply dated 19/10/2024 ,The respondent, Ms. Savita Gupta , submitted that the membership in Bhagwati Co-operative Group Housing Society Ltd. was acquired solely by way of inheritance from the late Sh. J.C. Gupta husband of Ms. Savita Gupta, and such membership obtained through inheritance is not subject to disqualification under the relevant provisions. Further, the respondent purchased Flat No. 424 in Neelkanth Apartments, Sector-13, Rohini, through a registered sale deed, but has not applied for or obtained any membership in the Neelkanth Apartments Co-operative Society to date..

**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.

On careful analysis of the submissions and documents furnished by the respondent, it is observed that the respondent has enclosed only the death certificate of the late Sh. J.C. Gupta husband of Ms. Savita Gupta to support the claim of membership acquisition by inheritance. However, there is a conspicuous absence of any documentary evidence or formal transfer of membership from the deceased member to the respondent as required under the society's rules and applicable provisions of the DCS Act and Rules. The mere production of the death certificate without the requisite transfer documentation is insufficient to establish valid succession of membership. In the absence of proper proof of transfer, the respondent has failed to discharge the burden of establishing her entitlement to the membership by inheritance. Accordingly, the membership of Ms. Savita Gupta in Bhagwati Co-operative Group Housing Society Ltd. is hereby ceased in terms of the relevant provisions of the DCS Act, 2003 and Rules, 2007.



Anil Kumar Singh  
Registrar Cooperative Societies

Sent to:

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