

**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 /3317-3320

Dt :- 26/5/25

**IN THE MATTER OF:**

Jagat Singh

Petitioner

Versus

Hitnder Kumar

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. Hitnder Kuamr 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. Hitendra Kumar 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.552 DDA Pkt-02 Sec-19 Dwarka Delhi. The petitioner accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property No. 552 DDA Pkt-02 Sec-19 Dwarka Delhi.

In his reply dated 12/12/2024, The respondent, Shri Hitnder Kumar, submitted that he purchased the property in question, i.e., Property No. 552, DDA, Pocket-2, Sector-19, Dwarka, through a duly registered Sale Deed dated 15th April 2008, executed between Sh. Inder Sain Chhatwal (seller) and himself (purchaser). It is submitted that he is not the original allottee of the said property, as the same was acquired through resale from the said seller. His membership in The Bhagwati Co-operative Group Housing Society Ltd., located at Plot No. 1-A, Sector-22, Dwarka, New Delhi – 110077, was obtained based on this valid and lawful resale transaction.

It is further submitted that the acquisition of the said property does not attract disqualification under Rule 20 of the DCS Rules, 2007. Since the property was acquired through resale and not as an original allotment or direct allotment, the respondent is exempted from the purview of disqualification under the said Rule.

In view of the above, the respondent, Sh. Hitender Kumar, humbly prays that the Show Cause Notice issued against him may kindly be withdrawn, as no cause of action arises warranting cessation of his membership in The Bhagwati Co-operative Group Housing Society Ltd.

**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 facts on record and the provisions under Rule 20(1)(c)(i) of the DCS Rules, 2007 read with Sections 41(d) and 87 of the DCS Act, 2003, it is concluded that although Shri Hitender Kumar was not the original allottee, he was in ownership of a DDA residential property bearing No. 552, Pocket-2, Sector-19, Dwarka, at the time of seeking membership in Bhagwati CGHS Ltd. (Membership No. 944). The respondent has failed to furnish any credible documentary evidence to demonstrate that his membership in the said society was acquired through resale. Moreover, it is pertinent to note that **resale or transfer of membership prior to allotment of flats is not permissible under the DCS Act, 2003 and the DCS Rules, 2007**, and any such transaction has no legal sanctity. Accordingly, the ownership of another residential property at the relevant time renders him disqualified under Rule 20(1)(c)(i), and his membership in Bhagwati Co-operative Group Housing Society Ltd. stands ceased with immediate effect.

  
Anil Kumar Singh  
Registrar Cooperative Societies

Sent to:

16. Sh. Jagat Ram D-407, Sri Durga CGHS Sector -12 Dwarka Delhi-110075.
17. Sh. Hitender Kumar (Through President/ Secretreay )
18. Assistant Registrar (Sec-1), office of RCS
19. ARCS CTB