

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/2022/332/-24

Dt 1-26/5/25

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

D.K Pandey & Apoorva Pandey

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 D.K. Pandey 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:-

D.K. Pandey & Apporva Pandey were 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. 102 Mahajanshree Plot No. 13 Sec-23 Dwarka Delhi, the petitioner accordingly prayed to cease the membership of the respondent on account of disqualification of holding the property bearing property No. 102 Mahajanshree Plot No. 13 Sec-23 Dwarka Delhi.

In his reply The respondent, Sh. D.K. Pandey, submitted that as per the records of the respondent society, Membership No. 942 was originally held jointly in the names of Sh. D.K. Pandey and his son, Late Sh. Apoorva Pandey. Following the unfortunate demise of Sh. Apoorva Pandey on 25.11.2019, Sh. D.K. Pandey applied for the transfer of the said membership into his sole name. This request was duly considered and approved by the Managing Committee of the society in its meeting held on 06.02.2020, and the decision was conveyed to him on the same date.

It is further submitted that the show cause notice was issued after more than three years on a ground that no longer exists. The property in question, F-102, Mahajan Shree Apartments, belonged solely to Late Sh. Apoorva Pandey and now stands in the name of his legal heirs. As Sh. D.K. Pandey has no ownership in the said property, the basis for disqualification does not apply.

Additionally, it has been submitted that the plinth area of the flat is 142.849 sq. meters in a 10-storey building, resulting in a land share below 66.72 sq. meters. This qualifies for exemption under proviso (a) to Rule 20(1)(c)(i) of the DCS Rules, 2007.

On these grounds, Sh. D.K. Pandey has prayed for withdrawal of the show cause notice and requested that his membership be continued without interruption.

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 above submissions and upon perusal of the records, it is observed that the respondent has merely claimed that the property bearing No. F-102, Mahajan Shree Apartments, Plot No. 13, Sector-23, Dwarka, New Delhi belonged to his deceased son and that he has no right, title, or interest in the same. However, no documentary evidence has been enclosed to substantiate this claim, such as ownership records, legal heir certificate, or mutation documents. Furthermore, the respondent has contended that the share of land attributed to the said property is less than 66.72 sq. meters, but again, has failed to furnish any supporting documentation such as a sanctioned building plan or land share certificate to prove the same.

Accordingly, in the absence of any conclusive proof to support his defense and in light of the provisions under Rule 20(1)(c)(i) of the DCS Rules, 2007 read with Section 87 and 41(d) of the DCS Act, 2003, the respondent is held to be disqualified from the membership of the society. Hence, the membership of Sh. D.K. Pandey stands ceased with immediate effect.

Anil Kumar Singh
Registrar Cooperative Societies

Sent to:

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