

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 | 3325 - 28

dt 1-04/5/25

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

Neeta Vij

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 Neeta Vij 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:-

Neeta Vij 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. G-18 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. G-18 Bali Nagar Delhi.

In her reply, The respondent, Ms. Neeta vij, submitted that the property bearing No. G-18, Bali Nagar, New Delhi - 110015, as referred to in the said notice, was originally owned by my father-in-law, Mr. Chunni Lal Vij. Upon his demise, the property was relinquished by the legal heirs in favour of my husband through a registered Relinquishment Deed (Reg. No. 6716, dated 17.03.2012).

The said document clearly establishes that the property devolved upon my husband by way of inheritance. As such, the ownership of this property does not attract disqualification under the provisions of the DCS Act, 2003, particularly in view of the third proviso to Section 87, which explicitly exempts properties acquired through inheritance.

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

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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 facts and the clear legal position under the DCS Act, 2003 and Rules, it is established that the property bearing No. G-18, Bali Nagar, was acquired by the respondent's husband through inheritance and not by purchase or otherwise. As per the third proviso to Section 87 of the DCS Act, 2003, properties inherited do not attract disqualification for membership. Therefore, the Show Cause Notice dated 23.08.2024 is dropped, and there is no ground for cessation of membership of Ms. Neeta Vij. Accordingly, her membership in the Bhagwati Co-operative Group Housing Society Ltd. is hereby restored.


Anil Kumar Singh
Registrar Cooperative Societies

Sent to:

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

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