

GOVT. OF NATIONAL CAPITAL TERRITORY DELHI.
IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES, DELHI
OLD BUILDING, PARLIAMENT STREET, NEW DELHI-110001.

F.NO.47/ARH/675-GH/1/SEC-II/RCS/2021/3358 -61

Dt. 29/5/25

IN THE MATTER OF:

Smt. Tamanna Rani

Petitioner

Versus

Chopra CGHS Ltd.

Through its President / Secretary

Respondent

ORDER

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 18.08.2021 issued u/r 40 of the Old DCS Rules, 1973 read with Section 41 of the New DCS Act, 2003 whereby Smt. Tamanna Rani, R/o 51/2, Rohtak Road, Karol Bagh, New Delhi-110005 was called upon to show cause as to why her membership be not ceased u/r 40 of the Old DCS Rules, 1973 read with Section 41 of the New DCS Act, 2003.

Brief facts of the case-

The Chopra CGHS Ltd. submitted a proposal for the clearance of membership in respect of Smt. Tamanna Rani as a transfer case due to the death of Smt. Bimla Devi (M.S. No. 48). However, the Rule 90 Committee meeting held on 22.08.2016 detained the proposal on the grounds that the transfer of membership was not within a first-degree blood relation. Subsequently, Chopra CGHS Ltd., via letter dated 05.09.2016, informed that Smt. Tamanna Rani had been enrolled as a new member of the society in 1992 and submitted additional documents for clearance of her membership. Despite this, her name was again detained in the Rule 90 Committee meeting held on 27.12.2017 for the same reason of not being within a first-degree blood relation. This was communicated to the society through a letter dated 31.08.2018.

Upon further examination of the membership proposal for Smt. Tamanna Rani (M.S. No. 202), certain deficiencies were identified in the documents submitted by the society regarding four members. The Society was asked, via letter dated 17.09.2019, to clarify its contradictory positions regarding Smt. Tamanna Rani's membership. Initially, her membership was presented as a transfer case, while later, it was described as a new enrollment. Chopra CGHS Ltd. submitted that a share certificate in favour of Smt. Tamanna Rani was issued on 11.10.1992, bearing membership No. 48. Later, another share certificate bearing No. 202 was issued to her on 15.11.2015.

The Society further stated through its affidavit in Form-A that Smt. Tamanna Rani resigned from the society on 10.11.2002. Her resignation was accepted by the Managing Committee through a resolution dated 18.11.2002, and her share money was refunded on 20.11.2002. Consequently a show cause notice was issued under Rule 40 of the DCS Rules, 1973, read with Section 41 of the DCS Act, 2003, on 18.08.2021, summoning Smt. Tamanna Rani to appear before the Registrar of Cooperative Societies in person to present her case. Hearings were conducted in the matter, and replies were filed by the respondent and the respondentant.

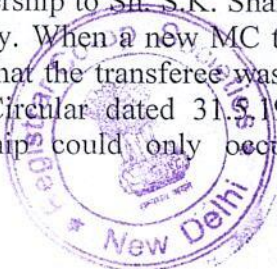


submitted that Smt. Bimla Devi, mother-in-law of Smt. Tamanna Rani, was a promoter member of Chopra CGHS Ltd. and became a member in 1983 under Membership No. 48. Smt. Tamanna Rani was nominated as her nominee. After the demise of Smt. Bimla Devi on 12.03.1989, none of her legal heirs applied for membership transfer. Consequently, the Society cancelled her membership on 01.10.1992 due to her death, as recorded in the relevant minutes. In 1992, Smt. Tamanna Rani applied for fresh membership and was enrolled by the Managing Committee on 01.10.1992. She paid the required admission and share money, and a receipt was issued on 03.10.1992.

However, Smt. Tamanna Rani resigned from the Society on 10.11.2002, and her resignation was accepted by the Managing Committee on 18.11.2002. The share money was refunded to her, as recorded in the minutes. Subsequently, Smt. Kavita Sehgal, sister-in-law of Smt. Tamanna Rani, became a member on 30.05.1993 under Membership No. 248, with her husband Sh. Ramesh added as a joint member. On 25.09.2006, Smt. Kavita Sehgal and Sh. Ramesh transferred their membership to Sh. Harish Kumar (husband of Smt. Tamanna Rani) and Smt. Tamanna Rani, making them joint members under Membership No. 248. Later, on 25.05.2013, the joint membership was converted into a single membership in the name of Smt. Tamanna Rani. The respondent further submitted that during the submission of the membership proposal under Schedule VII of the DCS Rules, 2007, the Society staff made a clerical mistake. Smt. Tamanna Rani's name was incorrectly shown in the list of transfer cases as a transferee from Smt. Bimla Devi. In reality, the membership was not transferred from Smt. Bimla Devi. Instead, Smt. Tamanna Rani became a member through a transfer from Smt. Kavita Sehgal and Sh. Ramesh under Membership No. 248. The membership of Smt. Bimla Devi had already been canceled in 1992.

Additionally, the respondent member submitted that Smt. Tamanna Rani was listed under Membership No. 202, from which she had resigned in 2002. This should have been reflected in the list of resigned members. The respondent submitted that The Society inadvertently mixed up details in its records, leading to confusion. However, these clerical mistakes do not warrant cessation of Smt. Tamanna Rani's membership. She remains eligible for membership and flat allotment as per the rules. The provisions of Rule 40 of the DCS Rules, 1973, and Section 41 of the DCS Act, 2003, concerning cessation of membership do not apply in this case, as none of the specified grounds for cessation are met. The respondent, Smt. Tamanna Rani, has not resigned, been expelled, removed, or transferred her Membership No. 248. Therefore, the grounds cited in the show cause notice are misplaced.

The Respondent submitted that Society's records and affidavits, including public notices, support Smt. Tamanna Rani's continued membership. It is evident that the discrepancies in the membership proposal were clerical errors by the Society staff. These errors do not constitute valid grounds for cessation of membership under Rule 40 of the DCS Rules or Section 41 of the DCS Act. Hence, Smt. Tamanna Rani the respondent remains a valid member and is eligible for possession of the flat and the respondent also relies upon the case titled Rajdhani CGHS Ltd. Vs. The PO DCT & Ors Pe No. 1515/2001. In the said case, one Sh. S.K. Govil was the original member of Rajdhani CGHS Ltd., and his son, Sh. Rakesh Govil, was the Secretary of the said society and was controlling its affairs. Sh. S.K. Govil transferred his membership to one Sh. S.K. Sharma, who was not a blood relative of Sh. S.K. Govil. Sh. Rakesh Govil, as the Secretary of the society, signed all the papers for the transfer of membership to Sh. S.K. Sharma, who also took a loan from his employer with the help of the society. When a new MC took over, the transfer of membership was challenged on the grounds that the transferee was not a blood relation of Sh. S.K. Govil. The new MC relied upon a Circular dated 31.8.1984 issued by the RCS, which stated that the transfer of membership could only occur within the first-degree blood relations. However, the



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Arbitrator, in its award dated 31.05.2002, held that the transfer of membership to Sh. S.K. Sharma was valid, as the society had issued the share certificate and received payments from him.

The society challenged this award before the Tribunal, which dismissed the appeal and upheld the award. The society then filed WP(c) No. 1215/2001 against the order of the Tribunal and the award. The Hon'ble High Court also confirmed the award and the order of the Tribunal, dismissing the writ petition filed by the society. The High Court held that the Circular dated 31.05.1984 issued by the RCS was beyond its power and jurisdiction, as per the judgment in R.P. Dubey Vs. Lt. Governor & Ors. The disqualification of membership is provided only under Rule 25, and Sh. S.K. Sharma did not suffer any disqualification as per Rule 25 of the DCS Rules, 1973.

Additionally, there was no provision in the DCS Act, 1972, or the DCS Rules, 1973, which prohibits the transfer of membership beyond blood relations. Therefore, the transfer from Sh. S.K. Govil to Sh. S.K. Sharma was valid, and the new MC could not refuse to recognize such a transfer of membership. The facts of the present case are stronger than the above-mentioned case of Rajdhani CGHS Ltd as the transfer of membership in the present case was from one brother and his wife to another brother and his wife. In the present case, the original membership was held by Smt. Kavita Sehgal and her husband, Sh. Ramesh, who transferred it to Sh. Harish Kumar (the real brother of Sh. Ramesh) and Smt. Tamanna Rani.

The case of Smt. Tamanna Rani's membership in Chopra CGHS Ltd. presents multiple inconsistencies and contradictions in the records maintained by the society. Initially, her membership was presented as a transfer from Smt. Bimla Devi (M.S. No. 48), which was rejected by the Rule 90 Committee since the transfer did not occur within a first-degree blood relation. Subsequently, the society revised its stance, asserting that Smt. Tamanna Rani had been enrolled as a new member in 1992 under Membership No. 48. However, records indicate that she resigned from this membership in 2002, and her resignation was duly accepted with a refund of share money. Given this, her membership under M.S. No. 48 ceased in 2002, rendering any claim under this membership untenable.

Furthermore, the society later stated that Smt. Tamanna Rani became a member under Membership No. 248 through a transfer from Smt. Kavita Sehgal and her husband, Sh. Ramesh. This membership transition was incorrectly recorded as a transfer from Smt. Bimla Devi due to clerical errors in the society's records. The legal framework, including past precedents such as Rajdhani CGHS Ltd. vs. The PO DCT & Ors, affirms that transfer of membership beyond blood relation is permissible under the old DCS Rules, 1973, applicable in this case. Thus, the transfer under Membership No. 248 should be reconsidered, provided the society verifies and reconciles its records to establish a clear and accurate membership history.

Based on the examination of records and applicable legal provisions, it is concluded that the membership of Smt. Tamanna Rani under Membership No. 48 stands ceased in accordance with Rule 40 of the DCS Rules, 1973. The records clearly indicate that she had resigned from this membership in 2002, her resignation was duly accepted by the society, and her share money was refunded. As a result, any claim or consideration of her membership under M.S. No. 48 is not maintainable.



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In view of the abovementioned facts and circumstances, I am of the considered opinion that considering the discrepancies in the society's submissions and the clerical errors acknowledged in the record-keeping process, the society is directed to verify its records thoroughly concerning Membership No. 248. The society must examine the documents related to the transfer of membership from Smt. Kavita Sehgal and Sh. Ramesh to Smt. Tamanna Rani and ensure that the transfer was in compliance with the applicable rules and regulations. If the verification establishes a valid transfer, the society shall reconsider the membership of Smt. Tamanna Rani under M.S. No. 248 in accordance with the provisions of the DCS Act and Rules, and resubmit the matter regarding Membership No. 248 with true and verified facts to the Registrar for final consideration. The society must ensure proper documentation and procedural adherence before making a final determination on the membership status.

Order accordingly.



(Anil Kumar Singh)
Registrar Cooperative Societies

1. Smt. Tamanna Rani, 51/2, Rohitak Road, Karol Bagh, New Delhi-110005.
2. The President / Secretary, Chopra CGHS Ltd., Plot No.8, Sector-23, Dwarka, New Delhi-110075.
3. Asstt. Registrar (Computer Cell) with the request to upload the order on the departmental website.

Computer Cell

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