

**REGISTRAR COOPERATIVE SOCIETIES
(OFFICE OF THE ADDL. REGISTRAR)
GOVT. OF NCT OF DELHI
PARLIAMENT STREET, NEW DELHI-110001**

F.No.: 47/AR/Sec-IV/2025/370-373

Dated.: 16/05/2025

IN THE MATTER OF:-

Om Prakash Arora
Flat No.: B-102, 1st Floor
Manokamna CGHS Ltd.,
Plot No.: 16, Sector 18-A
Dwarka, Delhi-110078

....Appellant

versus

Manokamna CGHS Ltd.,
(Through President & Secretary)
Plot No.: 16, Sector 18-A
Dwarka, Delhi-110078

.....Respondent

ORDER UNDER SECTION 91 OF DCS ACT, 2003

1. By this Order I shall dispose off the appeal dated 18.09.2024 under section 91 of DCS Act 2003 filed by the appellant against the respondent society for its non response within mandated time period of thirty days after having received the application submitted on 29.07.2024 by the appellant before the society for transfer of membership i.r.o. flat no.: B-102.

BRIEF FACTS OF THE CASE:-

2. The present appeal has been filed by the appellant against non response of the society to the application for transfer of membership i.r.o. flat no.: B-102 submitted with the society on 29.07.2024. The appellant submitted an application for transfer of membership in his name on 29.07.2024 with the society and has annexed with the appeal a copy of the Index showing the receiving by the society.
3. All the following requisite documents required for transfer of membership were annexed with the application submitted on 29.07.2024 for transfer of membership, namely:-

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- i. Request Letter
- ii. Copy of receipt of Rs.110/- dated 20.06.1996 for membership no.: 115
- iii. Copy of share certificate
- iv. Form 20 dully filled
- v. Form 21 (Affidavit on Rs.10/- stamp paper dully attested)
- vi. Self attested copy of conveyance deed
- vii. Self attested copy of Gift Deed
- viii. Self attested copy of registered sale deed
- ix. Copy of PAN Card
- x. Copy of Aadhar Card
- xi. Passport Size Photo
- xii. Cheque of Rs.610/- drawn in favour of the society
- xiii. Receipt dated 11.07.2024 of upto date maintenance

4. The appellant purchased the flat no.: B-102 situated on the ground floor of the society from Sri Hari Health & Education Foundation by virtue of a registered Sale Deed registered vide registration no.: 7501 in Book No.: 1, Volume No.: 5325 on page nos.: 9 to 18 on 27.06.2020 at Sub Registrar, SR IIB Janakpuri, New Delhi.
5. Sri Hari Health & Education Foundation acquired the said flat by virtue of a registered Gift deed duly registered as document no.: 7129 in additional Book No.: 1, volume no.: 5309 on page nos.: 97 to 103 on 18.06.2020 executed by Sh Ashok Khanna before Sub-Registrar, Sub-District No.: IIB, Janak Puri, New Delhi.
6. Sh Ashok Khanna being the original member had got a conveyance deed executed in his favour registered as document no.: 3087 in additional book no.: 1, volume no.: 7604 on page nos.: 63 to 66 on 08.06.2020 with Sub Registrar, Sub-District No.: VII, New Delhi.
7. The appellant has relied upon provision of Rule 92 of DCS Rules 2007 :-

92(8) In case the committee fails to take a decision within prescribed time or rejects the application the applicant may file an appeal before the Registrar, who shall decide it within ninety days time.

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8. The appellant has further relied upon provisions of Section 118 of DCS Act 2003.

118 (9) If committee fails to dispose of application within the period prescribed in section 91, the committee members responsible shall be liable for a penalty of ten thousand rupees and in the case of a continuing breach, with a further fine of one hundred rupees for every day during which the breach is continued after the expiry of the prescribed period.

118 (10) On conviction, a member of the co-operative society shall be debarred from contesting election of a committee for a period of six years."

9. The Managing Committee of the society has failed to take a decision on the application of the appellant submitted on 29.07.2024 with the society.
10. The appeal is within period of limitation as per provisions of DCS Act 2003 and DCS Rules 2007.
11. Notices to the appeal were issued to both the parties and hearing were held on 01.04.2024 and 24.04.2024. None appeared for the society on 24.04.2024. Arguments were heard from Ld Advocate Sh Sanjay Chiripal for the appellant.

CONCLUSIONS:-

12. It is observed that all the requisite documents as required for transfer of membership under the provisions of Section 91 of DCS Act 2003 have been annexed with the application for transfer of members.
13. Non response by the society within mandated time period of thirty days after having received the application for transfer of membership of the appellant amounts to refusal of membership.
14. Transfer of membership cannot be ordinarily rejected unless the person is otherwise ineligible or disqualified to be a member of the society. The respondent society has not pointed out any ineligibility or disqualification for grant of membership to the appellant.

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15. Transfer of membership cannot be refused without there being a sufficient cause. The society does not have an unfettered right to refuse transfer of membership to a person who is otherwise eligible to be a member of the society. Non Grant of membership without sufficient cause is a serious issue which prejudices the rights of a person.
16. Conveyance deed can be executed in respect of the flat concerned only after the society grants a No Objection Certificate. A conveyance deed has been executed in case of the flat concerned.
17. I am in agreement with the argument of the Ld Counsel for the appellant that the society is intentionally not transferring membership in favour of the appellant inspite of all documents being in order as they have refused to reply without any reasonable cause.

In view of the above and in exercise of powers vested in me under provisions of Section 91 of DCS Act 2003, the appeal is allowed. The respondent society is directed to transfer membership in the name of the appellant **Sh OM PRAKASH ARORA** in respect of flat no.: **B-102** in the society Manokamna CGHS Ltd., within seven days of the receipt of this Order.

It is ordered accordingly.


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(LEKH RAJ)


Addl. Registrar Cooperative Societies

F.No.:47/ ~~Addl. Reg.~~ AR/Sec-IV/2025/370-373

Dated.: 16/05/2025

Copy to:-

1. Sh Om Prakash Arora, Flat No.: B-102, Manokamna CGHS Ltd., Plot No.: 16, Sector 18-A, Dwarka, Delhi-110078
2. President/Secretary, Manokamna CGHS Ltd., Plot No.: 16, Sector 18-A, Dwarka, Delhi-110078
3. AR(Section-IV), O/o Registrar Cooperative Societies.
- ✓ 4. In-Charge Computer Cell for uploading the order on the website of the Department.


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(LEKH RAJ)

Addl. Registrar Cooperative Societies