

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

F.No.: 47/ Addl. REG. AR/Sec-IV/2025/374-377

Dated.: 16/05/2025

IN THE MATTER OF:-

REKHA RANI

Flat No.: A-404

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 25.01.2025 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 28.11.2024 by the appellant before the society for transfer of membership i.r.o. flat no.: A-404.

BRIEF FACTS OF THE CASE:-

1. 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.: A-104 submitted by the appellant with the society on 28.11.2024.
2. The appellant submitted an application for transfer of membership in his name on 28.11.2024 with the society with requisite documents and has annexed the covering letter showing the documents submitted society showing the receiving by the society on 28.11.2024.

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3. The following requisite documents required for transfer of membership were annexed with the application submitted on 28.11.2024 for transfer of membership, namely:-
- i. Form No.: 20
 - ii. Form No.: 21 duly notarized (photocopy, 7th Oct., 2023)
 - iii. Self attested copy of the Sale deed (full chain)
 - iv. Self Attested copy of conveyance deed
 - v. Self attested copy of Aadhar card
 - vi. Self attested copy of PAN card
 - vii. Self attested copy of Rs.610/- of IDFC Bank in favour of the society
 - viii. Self attested copy of receipt No.: 1010 for Rs.9000/- issued by the society for maintenance charges from oct., 2024 to Dec., 2024.
 - ix. Self attested copy of share certificate No.: 088
 - x. Self Attested copy of Possession/Occupancy Letter
 - xi. NO Objection Certificate for installation of electric meter
 - xii. No Objection Certificate for conversion of the flat from lease hold to free hold
 - xiii. Passport Size photographs submitted earlier
4. The appellant purchased the flat no.: A-104 situated on the 4th floor of the society from Sri Sanjay Kumar Agrawal, Sh Vipin Kumar, Sh Harpreet Singh Paul and Sh Parshotam Dass Gupta by virtue of a registered Sale Deed registered on 20.02.2023 vide registration no.: 4305 in book no.: 1 Volume No.; 8692 on page nos.: 44 to 52, who in turn had purchased the flat in question from Mr Vimal Bagga vide registered Sale Deed registered on 04.01.2022 vide registration no.; 76 in book no.; 1 volume no.; 7079 on page nos.: 174 to 182.
5. That a registered Conveyance Deed was executed by DDA in favour of Mr Vimal Bagga registered on 12.11.2020 vide registration no.: 6056 in book no.:1 volume 7696 on page nos.: 151 to 154
6. Mr Vimal Bagga is the original member of the society in whose favour the share certificate no.: 088 dated 04.08.1998 was issued.
7. A Possession/Occupancy letter dated 15.05.2019 was issued in favour of Mr Vimal Bagga by the society.


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8. An No Objection Certificate dated 15.05.2019 was issued by the society certifying that Sh Vimal Bagga is the original allottee of the flat no.: A-404 against membership no.: 88 and that the society has no objection if electric connection/meter is installed by the allottee from BSES Ltd.,
9. Further, a No Objection Certificate was issued by the society for the purposes of conversion of the flat from lease hold to free hold stating that the member has paid full amount towards cost of flat along with interest as demanded by the society and nothing is due as on today as per record of the society.
10. In spite of mandated time period of thirty days having elapsed, no reply to the application for transfer of membership submitted by the appellant with the society on 28.11.2024 has been received.
11. The appellant had previously applied vide letters dated 04.11.2023, 09.08.2024 and 01.09.2024 to the society for transfer of membership.
12. The appellant has relied upon the 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.

13. The appellant has further relied upon the 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.

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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."

14. The Managing Committee of the society has failed to take a decision on the application of the appellant submitted on 28.11.2024 with the society.
15. Membership cannot be denied without any disqualification and only on whims and fancies of the Managing Committee of the society.
16. The appeal is within period of limitation as per provisions of DCS Act 2003 and DCS Rules 2007 against application submitted on 28.11.2024.
17. 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.

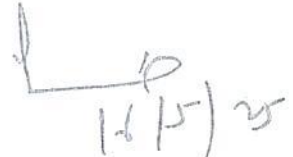
CONCLUSIONS:-

18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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 **Smt REKHA RANI** in respect of flat no.: A-404 in the society Manokamna CGHS Ltd., within seven days of the receipt of this Order.

It is ordered accordingly.



(LEKH RAJ)

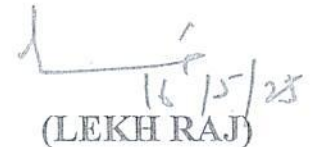
Addl. Registrar Cooperative Societies

F.No.:47/~~Regd RG~~AR/Sec-IV/2025/374-377

Dated.: 16/05/2025

Copy to:-

1. Smt Rekha Rani, Flat No.: A-404, 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.



(LEKH RAJ)

Addl. Registrar Cooperative Societies