

**OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES,
GOVT. OF N.C.T. OF DELHI, OLD COURT BUILDING,
PARLIAMENT STREET, NEW DELHI-110001
(Housing Section-02)**

No. F.47/ARH/306-GH/Sec-II/2023/
CD No. 107746455

Dated:

NOTICE

1. This is being issued in continuation to and in compliance of the direction of the then Registrar, Cooperative Societies vide his order dated 18.07.2023, wherein vide para. 10 the ARCS (Housing Section-2) was directed as-*"....the ARCS (Housing Section-2) is directed to administratively verify the facts of the petition (made by Sh. Bharat Bhushan Allahabadi) related to transfer of membership and various GPAs, SPAs executed before actual allotment of flat by the member and thereafter put up for appropriate action as per DCS Act, 2003 and Rules, 2007, if any."*
2. Notably, subsequent there to, a writ petition W.P.(C)12593/2023, titled 'Bharat Bhushan Allahabadi Vs Government of NCT of Delhi & Ors.' was also filed by the petitioner to challenge the said order dated 18.07.2023, wherein vide its order dated 25.09.2023, in respect of an apprehension expressed by the counsel for the petitioner that the follow up administrative action as directed by the RCS in paragraph 10 might not be carried out expeditiously, while taking on record the submission of the Ld. Counsel of RCS i.e.-*".....the exercise as directed by the RCS shall be carried out within a period of six months as on outer limit."*- the Hon'ble High Court of Delhi closed the writ petition. Hence, also, this order.

Brief facts of the matter:

3. Whereas, Ekta Co-operative Group Housing Society Limited (Regn. No. 306/GH) is registered with the Department under the provisions of DCS Act, Rules and registered bye-laws of the society.
4. Notably, a complaint was filed by Mr. Bharat Bhushan Allahabadi, seeking permission for lodging First Information Report against (1) the then President Sh. Sunil Aggarwal (2) the Treasurer Sh. Amit Garg (3) Sh. Tarun Lekhi S/o Sh. Krishan Gopal, wherein it was stated that: -
 - a. Sh. Govind Ram S/o Sh. Ramji Dass (Membership No. 117) was the member of above said society. He executed GPA, SPA and Deed of Will in favour of Smt. Kanta Devi W/o Lt. Sh. O.P. Gupta on 04.05.1998. Thereafter Smt. Kanta Devi executed GPA, SPA and Deed of Will in favour of Sh. Tarun Lekhi S/o Lt. Sh. Krishan Gopal Lekhi on 03.06.2000. Smt. Kanta Devi never applied for membership in the society and she never took the membership of the society and till date Smt. Kanta Devi never took the membership no. 117 of the society and she was never approved as the member of the society. Hence in these circumstances GPA executed in favour of Sh. Tarun Lekhi is null and void ab-initio.
 - b. After the execution of GPA by Sh. Govind Ram he got the flat allotted in his name by draw of lots through DDA. Therefore, the flat pertains to Sh. Govind Ram and the agreement with the society is also executed in between the society and Sh. Govind Ram and this fact is in the knowledge of the present executive committee of the society. Against the above fact and without Smt. Kanta Devi becoming the member of the society one Sh. Tarun Lekhi, who in the circumstances could never become the member of the society, after deceiving the society and in connivance with the executive committee of the society, more fully the then President Sh. Sunil Aggarwal and the treasurer of the society Sh. Amit Garg acting upon the GPA executed by Sh. Govind Ram S/o Sh. Ramji Dass in favour of Smt. Kanta Devi got issued the NOC on 12.11.2013 in favour of Sh. Tarun Lekhi and on the basis of which the conveyance deed was executed on 20.12.2013 in the favour of Sh. Tarun Lekhi S/o Sh. Krishan Lal vide registered No. 28600, in Block No. 1. vol. No. 5,056 on pages 179-180 Sub Registrar VII in connivance with official of Ekta CGHS Ltd.

5. The aforesaid complaint petition was, after granting due opportunity of hearing to the concerned parties, disposed of by the then RCS vide his order dated 18.07.2023, whereby the prosecution sanction u/s 118(7) r/w section 121 of DCS Act, 2003 was denied against the accused persons namely Sh. Sunil Aggarwal, Sh. Amit Garg and Sh. Tarun Lekhi, as no violation of section 77 of DCS Act, 2003 was observed in the instant matter; albeit with a direction to the ARCS (Housing Section-2) as has been mentioned in paragraph 1 of this order.
6. It is pertinent to note that vide paragraph 8 of the aforesaid order the following important findings/undisputed facts pertaining to the case, as observed by the then RCS, were recorded:
 - (i) *that Sh. Govind Ram S/o Sh. Ramji Dass(M.S. No. 117) was initial member of the society and a flat was allotted in his name by DDA through draw of lots on 22.05.2001 and possession of the said flat was handed over to him on 16.02.2002.*
 - (ii) *that before such allotment, Sh. Govind Ram had executed GPA, SPA and deed of will in favour of Smt. Kanta Devi W/o Lt. Sh. O.P. Gupta on 04.05.1988; who subsequently executed GPA, SPA and Deed of Will in favour of Sh. Tarun Lekhi S/o Lt. Sh. Krishan Gopla Lekhi on 03.06.2000.*
 - (iii) *that Smt. Kanta devi never took the membership of the society.*
 - (iv) *that Sh. Amit Garg (the then treasurer of the society) acting upon the GPA executed by Sh. Govind Ram in favour of Smt. Kanta Devi issued the NOC dated 12.11.2013 in favour of Sh. Tarun Lekhi on the basis of which conveyance deed dated 20.12.2013 was executed in favour of Sh. Tarun Lekhi.*
7. Whereas, upon receipt of the said directions vide order dated 18.07.2023, in order to verify the facts of matter administratively, the ARCS (Housing Section-2), vide this office's letters dated 06.09.2023 directed to the President/Secretary and Sh. Bharat Bhushan Allahabadi, the complainant/the petitioner, sought attested copies of the documents related to transfer of membership and also copies of various GPAs, SPAs etc. executed before actual allotment of flat to the member.
8. Upon non-receipt of any reply from the President/Secretary of the society even after a reminder dated 15.05.2024, a show-cause-notice dated 22.05.2024 was issued as to why an inspection officer u/s 61 of DCS Act, 2003 be not appointed in order to examine/inspect the records of the society to establish the veracity of the allegations made by the complainant.
9. And whereas, in response to the said show-cause-notice, an evasive reply was filed by the president vide his letter dated 27.05.2024; accordingly, vide office order dated 19.07.2024, an Inspection Officer was appointed, who procured certified copies of documents related to transfer of membership, various GPAs, SPAs executed before actual allotment of flat to the member and vide his report dated 14.10.2024 has concluded as under:
 - (i) *It is clear that the original member, Sh. Gobind Ram Arora had executed not only GPA and SPA in favour of Smt. Kanta Devi w/o Sh. O.P. Gupta on 4.5.1998, but also an "Agreement to Sell" thereby selling all his rights in the flat to be allotted against his membership No. 117, for Rs.1,25,000/-. Similarly, the said Smt. Kanta Devi w/o Sh. O.P. Gupta had executed GPA, Will and Agreement to Sell on 03.6.2000 in favour of Sh. Tarun Lekhi S/o Late Sh. Krishan Gopal Lekhi.*
 - (ii) *Thus, the allegation made by the complainant is true to the extent that Sh. Govind Ram had sold the rights in the flat to be allotted to him before actual allotment of flat to him.*

10. Notably, the Inspection Officer also makes a reference to a fact that vide its letter dated 05.12.2013, the DDA, while carrying of conversion of the alleged flat no. C-9 as freehold in favour of Sh. Tarun Lekhi, has asked for payment of a- "*penalty Rs. 10,000/- as sale of flat before draw two times.*"; and therefore, it was inferred by him that the fact of execution of the GPAs, Agreement to sell etc. before the allotment of flat was in the knowledge of the DDA and that it was within its policy to allow such freehold conversion on payment of certain penalty amount.
11. Accordingly, therefore, after receipt of the report of the Inspection Officer and certified copies of documents annexed with it, there is documentary evidence to the effect that:-
- i. Sh. Govind Ram executed GPA, SPA, Will, Agreement to Sell dated 04.05.1998 etc., in favour of Smt. Kanta Devi in respect of his membership no.: 117 even before he was allotted a flat on 22.05.2001 and even before he got possession of flat on 16.02.2002.
 - ii. Smt. Kanta Devi further sold the membership pertaining to no.: 117 by executing GPA, SPA, Will, Agreement to Sell, etc., dated 03.06.2000 to Sh. Tarun Lekhi even without having any allotment or possession of flat with her.
12. The Agreement to Sell executed on 04.05.1998 between Sh. Gobind Ram Arora, R/o C-72 Phase-1, Ashok Vihar, Delhi-110052 and Smt. Kanta Devi, R/o C-7/80, Sector-7, Rohini, Delhi-110085 states that:-

Whereas the First Party is the actual owner of Society Flat **which is yet to be allotted** in lieu of membership no.: 117.

Further, a Letter of Possession was executed between Sh. Gobind Ram Arora and Smt. Kanta Devi vide which Sh. Gobind Ram Arora **handed over the actual vacant physical possession of society flat which is yet to be allotted** in lieu of membership no.: 117.....

Further, Agreement to Sell, which was executed on 03.06.2000 between Smt. Kanta Devi, R/o C-7/80 Sector-7, Rohini, Delhi and Sh. Tarun Lekhi, R/o 45 Pocket-C-10, Sector-15, Rohini, Delhi states that:-

Whereas the **First Party is the owner of membership No.: 117 (MIG)** situated at Ekta Co-operative Group Housing Society Ltd., Plot No.: 23, Sector-13, Rohini, Delhi with the lease hold rights of the land under the said property.

It is further stated that:-

1. That the First party has **delivered the vacant possession of the said property to the Second party on the spot.**

Further, in the Letter of Possession executed on 03.06.2000 between Kanta Devi, R/o C-7/80 Sector-7, Rohini, Delhi and Sh. Tarun Lekhi, R/o 45 Pocket-C-10, Sector-15, Rohini, Delhi it is stated that:-

Whereas the First Party **has delivered the physical vacant possession of the membership No.; 117 (MIG) situated at Ekta Co-operative Group Housing Society Ltd., Plot No.: 23, Sector-13, Rohini, Delhi with the lease hold rights of the land under the said property.**

13. In view of the above facts and documents on record:-

- i. The society is directed provide details of all transfer of memberships in respect of Membership No.: 117 and flat no.: E-5 in the society from beginning till date.
- ii. The society, Sh. Gobind Ram Arora, Smt. Kanta Devi and Sh. Tarun Lekhi are all directed to submit comments on the issue as to under which provisions of prevailing and applicable DCS Act and Rules the above stated two Agreement to Sells dated 04.05.1998 and 03.06.2000 have been executed in respect of membership No.: 117 without allotment of flat on the dates on which these two Agreement to Sells were executed.

14. The reply with documentary evidences shall reach within seven days of the receipt of this notice failing which decision will be taken as per the provisions of applicable DCS Act and Rules based on available records.

This is with the approval of Registrar of Cooperative Societies.


ASSISTANT REGISTRAR (H/SEC-2)
OFFICE OF REGISTRAR, COOPERATIVE SOCIETIES.

No. F.47/ARH/306-GH/Sec-II/2023/ 400-405
CD No. 107746455


Dated: 27/08/2025

Copy to:

1. The President/Secretary of the Society, Ekta CGHS Ltd., Plot no. 23, Sector-13, Rohini, Delhi-110085.
2. Sh. Sunil Aggarwal, R/o Flat No. E-5, Ekta CGHS Ltd Plot no. 23, Sector-13, Rohini, Delhi-110085.
3. Sh. Amit Garg, R/o Flat No. F-5, Ekta CGHS Ltd Plot no. 23, Sector-13, Rohini, Delhi-110085.
4. Sh. Govind Ram S/o Sh. Ramji Das, R/o C-72, Phase-I Ashok Vihar, Delhi-110052.
5. Smt. Kanta Devi, R/o C-7/80 Sector-7, Rohini, Delhi.
6. Sh. Tarun Lekhi, R/o Flat no. C-9, Ekta CGHS Ltd, Plot no. 23, Sector-13, Rohini, Delhi-110085.
7. ✓ AR (IT Cell) to upload on Department Website.

Copy for information to:-

1. Sh. Bharat Bhushan Allahbadi, R/o B-218, Ekta CGHS Ltd., Plot No. 23, Sector-13, Rohini Delhi-110085.
2. ✓ P.S to O/o RCS.


ASSISTANT REGISTRAR (H/SEC-2)
OFFICE OF REGISTRAR, COOPERATIVE SOCIETIES.