

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

F.No.47/399/RCS/Sec-05/2025/4670-74

Dated: 18/11/25

ORDER

IN THE MATTER OF:

New Delux CGHS Ltd.....

Respondent

This order shall dispose of the proceedings initiated vide Show Cause Notice dated 11.09.2025 issued under sections 37 of DCS Act 2003 to New Delux CGHS Ltd.

Brief Facts of the Case

A series of complaints have been received in this office regarding the functioning of the Management Committee of New Delux CGHS Ltd., a society registered under the provisions of the Delhi Cooperative Societies Act and Rules. Dr. Atul Kumar, R/o Flat No. 4, has alleged that the Management Committee has been collecting quarterly maintenance charges along with an additional amount of Rs. 500/- towards Festival Expenses from all residents, irrespective of their willingness to participate in such events or even when their flats remain locked. Further complaints have been received from Smt. Poonam Aggarwal, R/o Flat No. 43, and Smt. Indra Sharma, resident of the Society, alleging that the Committee has imposed an additional charge of Rs. 950/- per flat under the head Building Maintenance without obtaining approval of the General Body, without convening any meeting, and without issuing any resolution justifying the necessity for such a levy. Despite repeated requests from residents, the Management Committee has allegedly failed to provide any clarification or supporting documents and has instead insisted on forcibly collecting the said charges.

In addition, Dr. Atul Kumar has alleged serious irregularities in the conduct of elections held on 20.08.2023. He claims that he was nominated as Chairman of the Election Committee without his consent merely for signing election documents, and that the election was conducted in gross violation of the procedure prescribed under Schedule II of the DCS Rules, 2007. It is further alleged that the AGM/election meeting was attended predominantly by non-members, that no ballot voting or show of hands took place, and that no videography of the proceedings was maintained. Dr. Atul Kumar has also alleged that a group of 8-10 persons entered during the meeting, following which Sh. U.D. Kaushik declared himself President and illegally inducted several non-members—namely Sh. Manish Aggarwal, Sh. Sunny Malhotra, Sh. Sanjay Aggarwal, Sh. Yogesh Suchhal, and Smt. Monika Suchhal—into the Managing Committee. It is alleged that the elections were conducted by unfair means, resulting in an illegally constituted Managing Committee managing the affairs of the Society. Based on these allegations, Dr. Atul Kumar has requested intervention by this office and appointment of an Administrator in the Society.



Submission of the Society

The Society submitted that the allegations raised by the complainants are false, baseless, and motivated by ill intentions at the instance of certain former MC members who aim to disrupt the smooth functioning of the Society. It is stated that the Festive Fund of Rs. 500/- per quarter was introduced only after collective discussions among residents, with the objective of celebrating various festivals without disturbing regular maintenance funds, and the said decision was duly approved in the General Body Meeting held on 19.11.2023. Regarding the election-related allegations, the Society submitted that Dr. Atul Kumar had himself participated in the AGM held on 03.09.2023 as Chairman of the Election Committee, signed the minutes at Serial No. 1, and that no nominations were received, leading to unanimous selection of the present office bearers. It is further submitted that Dr. Atul Kumar is not even a member of the Society since Flat No. 4 stands in the name of Mrs. Sonia Bhalla, and that the individuals alleged by him to be non-member office bearers are not part of the existing MC.

On the issue of the Rs. 950/- Building Maintenance levy, the Society submitted that the charge was imposed only after extensive discussions among residents in view of major and urgent structural hazards such as falling cement blocks, wall cracks, damaged grit finish, and peeled-off concrete in several flats and common areas, posing serious safety risks. The decision was deliberated in meetings, supported by WhatsApp communications among residents, and formally approved in the MC meeting dated 16.03.2025 and E-GBM dated 04.05.2025. As regards Smt. Indira Sharma, the Society stated that she is not yet a member due to non-submission of required documents.

The Society further stated that the present MC has worked diligently for the welfare of residents by carrying out extensive repairs, installing a new gate, and undertaking beautification works, which have enhanced the value and longevity of the property. The existing MC finalized pending balance sheets from 2018-19 to 2022-23 due to non-compliance by the previous MC and even bore penalties for earlier defaults. The Society maintains that no irregularities have been committed by the present MC, that the complaints are frivolous, and that the appointment of an Administrator is unwarranted and against the interest of the Society.

Upon perusal of the record, written submissions of the parties, and the material placed on file, it emerges that the Managing Committee has failed to conduct elections within the stipulated time as mandated under Section 35(5) of the Delhi Cooperative Societies Act, 2003. As per the said provision, "the committee shall cease to hold office on the expiry of its term," and continuation of the Committee beyond the statutory period is impermissible. The Society has not produced any cogent evidence to show that valid elections were held in accordance with Schedule II of the DCS Rules, 2007, nor has it demonstrated that the term of the Committee was lawfully extended by the competent authority. The allegations of procedural lapses, irregular composition of the Election Committee, and absence of proper voting further indicate non-compliance with the mandatory election procedure. The act of unilaterally declaring individuals as President and Secretary, without following the due democratic process prescribed under the DCS Act and Rules, is wholly arbitrary, against the cooperative democratic setup, and cannot be sustained



in the eyes of law. Accordingly, the continuation of the present Managing Committee amounts to violation of Section 35(5) of the DCS Act and renders its functioning beyond its term unsustainable in law.

In view of the above, Sh. Rajender Babu Shukla Grade-1 DASS (Retd.) is hereby appointed as Administrator under Section 35(5) of the DCS Act to manage the affairs of the Society and to conduct fresh elections within the prescribed time. Further, an amount of Rs. 10,000/- shall be paid to the Administrator as remuneration from the fund of the Society.




Krishna Kumar Singh IAS
REGISTRAR COOPERATIVE SOCIETIES

1. President/ Secretary New Delux CGHS Plot No. 11, Sector -09, Rohini, New Delhi-110085.
2. Rajender Babu Shukla (Administrator) 11F, LP Block, Pitampura, Delhi-110034. M.No.9968045321.
3. ARCS 05 O/o RCS.
4. ARCS IT Cell O/o RCS.
5. Gaurd File.