

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

F. No. 47/GAURAV/170/GH/U/S 91/2023/603

Dated: 29/07/2026

In the matter of:

Smt. Maya Rani
R/o D-1, Gaurav Apartments,
Gaurav CGHS Ltd. Plot No. 1
I.P. Extn., New Delhi-110092

....Appellant

Versus

The President / Secretary
Gaurav CGHS Ltd. Plot No. 1
I.P. Extn., New Delhi-110092

....Respondent

ORDER UNDER SECTION 91 OF DCS ACT, 2003

By this order I shall dispose of the appeal 11/12/2023 filed under Section 91 of DCS Act, 2003 filed by the appellant by Smt. Maya Rani, D-1, Gaurav Apartments, Gaurav CGHS Ltd. against the Respondent Society, Gaurav CGHS Ltd. Plot No. 1, I.P. Extn., New Delhi-110092.

The appeal has been filed by the Appellant against the Gaurav CGHS Ltd. Plot No. 1, I.P. Extn., New Delhi-110092 for non transferring the membership in favour of the Appellant. The Appellant has stated in the appeal that she had purchased a Flat No. E-28, Gaurav CGHS Ltd. from previous owner Smt. Veena Kohli through instrument of sale deed dated 13/07/2021 duly registered in the office of the Sub Registrar-VIII-A, Preet Vihar, Delhi as Document No. 3801 and she had filed an application dated 03/11/2023 applied for granting of the membership of the Gaurav CGHS Ltd. to the Hony. Secretary along with all relevant and required documents and attached a Cheque no. 000019 dated 28/10/2023 for the requisite transfer fee of Rs.620/- (Rupees Six Hundred Twenty only) as per DCS Act 2003 and DCS Rules 2007.

That instead of granting the membership to the appellant, the Gaurav CGHS Ltd., through its Secretary, vide letter no. G/CGHS170/E-29/Membership/2023 dated 17/11/2023, and the Respondent Society rejected the request of appellant for enrollment her membership of the society on frivolous and illegal grounds in contravention to the various provisions of the Delhi Co-operative Societies Act 2003 and Delhi Co-operative Societies Rules 2007 and also without application of mind. That vide letter dated 23/11/2023, which was received by the Secretary of the Gaurav CGHS Ltd. on 25/11/2023. The appellant contested the denial of membership on the basis of provisions of Section 91 of DCS Act 2003 read with provision to the Rule 20 of the DCS Rules 2007. But on the contrary the society has given the membership to the identical case of Flat no. A-1 and Flat No. C-28 and on this matter society failed to reply.



That Section 91 of the DCS Act, 2003 deals with the regularization of occupancy right of persons who have acquired such a right through the instrument of power of attorney or agreement for sale as under:

"A member of a housing society who has sold his plot or flat on the power of attorney or agreement for sale or by sale deed, shall cease to be a member of that society from the date of the sale of plot or flat:

PROVIDED that the purchaser having registered power of attorney or registered agreement for sale or registered sale deed, as the case may be, in respect of such plot or flat, may apply for membership by paying transfer fee of five hundred rupees and share money and admission fee as per the provisions of the bye-laws of the society and the committee shall grant membership to the applicant within thirty days after the submission of his application. In case of refusal by the committee, the applicant may appeal to the Registrar within thirty days and the decision of the Registrar shall be final:

Provided further that no purchaser shall be entitled for more than one membership in a housing society."

That Rule 20 of the Delhi Cooperative Societies Rules, 2007 deals with the disqualification of membership. However the provision (b) to this rule 20 provides exemption from disqualification of membership. The provision (1) (c) (i) (b) of Rule 20 is reproduced as under for ready reference.

Provided that the above clause shall not be applicable,

In case of a person who as acquired property on power of attorney or through agreement for sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned;"

The Respondent society submitted their representation on last hearing day i.e. 26/06/2026 that states that as per the application dated 03/11/2023 wherein the applicant had requested to enroll her as new member of the society against the Flat No. E-28 in the Gaurav CGHS Ltd. which she has purchased in her name. Society further stated that as per their record; her husband Sh. Manik Chand is already owns Flat no. D-01 in Gaurav CGHS Society Ltd having the membership no. 06. and again stated that as per the provisions of DCS Act 2003 and Rules 2007 no purchaser shall be entitled for more than one membership in a Housing Society.

Hearings were conducted on 08/02/2024, 02/06/2026 and 26/06/2026 and arguments were heard. In all the aforesaid dates, both the Appellant and Respondent Society was present.

In view of the above mentioned facts and documents placed on record, I am of the considered view that the conditions mentioned u/s 91 of the DCS Act, 2003 & DCS Rules 2007 are fulfilled by the Appellant and hence as per law and in the interest of justice and the Respondent society cannot disqualify the membership as per the Rule 20 (1) (c) (i) (b) which states that *the disqualification of membership clause shall not be applicable in case of a person who has acquired*



property on power of attorney or through agreement for sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the Housing society concerned.

I hereby order the appellant to deposit Rs. 620/- (Rupees Six Hundred Twenty Only) in favour of the society as membership fee within Two Weeks of the issue of this order and the Society is directed to transfer the membership in the name of Smt. Maya Rani, D-1, Gaurav Apartments, Gaurav CGHS Ltd., Plot No. 1, I.P. Extension, Patparganj, Delhi-110092 within thirty days.

The case file may be returned to Housing Sec-3 for future reference and record.

Handwritten signature
29/07/26.

DEPUTY REGISTRAR COOPERATIVE SOCIETIES

F. No. 47/GAURAV/170/GH/U/S 91/2023/

Dated:

Copy forwarded for information and necessary action:

1. Smt. Maya Rani, D-1, Gaurav Apartments, Gaurav CGHS Ltd., Plot No. 1, I.P. Extension, Patparganj, Delhi-110092.
2. The President/Secretary, Gaurav Apartments, Gaurav CGHS Ltd., Plot No. 1, I.P. Extension, Patparganj, Delhi-110092
3. DRCS (Computer Cell), Registrar Cooperative Societies, Govt. of N.C.T of Delhi-110001 (for uploading on the website of the RCS).