

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

F.No.47/826/Appeal/Us-91/2025/612-613

Dated:- 25/06/25

IN THE MATTER OF:

Smt. Sushila Devi,
R/o: Flat No.104,
Universal Brotherhood CGHS Ltd.,
Ashirwad Apartments,
Plot No.11, Sector-12,
Dwarka, New Delhi-110078

.....Appellant

V/s

The President/Secretary,
Universal Brotherhood CGHS Ltd.,
Ashirwad Apartments,
Plot No.11, Sector-12,
Dwarka, New Delhi-110078

.....Respondent

ORDER UNDER SECTION 91 OF DCS ACT, 2003

1. By this Order I shall dispose off the appeal dated 06/09/2023 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 receiving the application submitted on 31/05/2023 by the appellant before the respondent society for transfer of membership in r/o **flat No.104, Universal Brotherhood CGHS Ltd., Ashirwad Apartments, Plot No.11, Sec-12, Dwarka, New Delhi-110078.**

BRIEF FACTS OF THE CASE:-

2. The present appeal has been filed by the appellant **Smt. Sushila Devi**, against non response of the society for transfer of membership in r/o **Flat No.104, Universal Brotherhood CGHS Ltd., Ashirwad Apartments, Plot No.11, Sec-12, Dwarka, New Delhi-110078.**
3. The appellant submitted an appeal dated 06/09/2023, against the respondent society for refusal to transfer membership in her name. The appellant vide its appeal has stated that its purchased flat No.A-104, on payment of consideration from Sh. R.S. Banga S/o Sh. K.S. Banga by way of registered sale deed on 17/12/2011 vide registration No. 14,269 in Book No.1, Volume No.6,244 on page No.99 to 105, copy of which was provided to the respondent society. Sh. R.S. Banga was the original member of this flat as per Share Certificate No.351 dated 06/03/1996, who further sold this flat to the claimant Smt. Sushila Devi and thereafter, the appellant applied transfer membership u/s-91 after refusal from respondent society.

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4. Notices dated 17/01/2024, 08/02/2024, 08/01/2025, 17/02/2025, 17/04/2025, 19/05/2025 & 09/06/2025 U/s-91 of DCS Act, 2003 were issued to the appellant and respondent society for appearance before the Appellant Authority and argument were heard from the both the parties in length.
5. The respondent Society appeared in the said hearing, wherein they informed that the appellant has not submitted the original certificate issued to the outgoing member Sh. R.S. Banga. An application surrendering the original share certificate by Sh. R.S. Banga has not been submitted. Instead a duplicate share certificate in the name of Sh. R.S. Banga issued on 06/03/1996 has been submitted without any application of Sh. R.S. Banga. The Certificate numbers shown in the duplicate certificate are from 2367 to 2387 (21 nos) but none of the numbers of the share certificate have been mention in the membership register to indicate the original certificate issued to Sh. R.S. Banga. There is no signature of Sh. R.S. Banga on the membership registrar. Further, the appellant has not submitted any NOC issued by the MC to the appellant at the time of purchase of flat No.104. The Society had sent a letter dated 18/06/2023 to the claimant, in which, demanding to pay transfer fee of the membership, so that membership can be considered for allocation.
6. On perusal of society reply, it is observed that the reason for rejection the transfer of membership for the flat No.104, Universal Brotherhood CGHS Ltd., Dwarka, New Delhi-110078, is unjustified, as an directive in this regard had issued by the Registrar (Cooperative Society) on 18/01/2024, wherein, *all the Managing Committee of the Cooperative Group Housing / Housing Building Society of Delhi were directed to stoppage the Entry Fee which being charged in the name of Development Fund, Transfer Fee, Common Good Fund etc.. from the persons applying for membership/Power of Attorney etc.. of Housing Society henceforth. This practice is against the sprit and provisions of the DCS At, 2003 and DCS Rules, 2007 and violence of this violation will tantamount to violence of directions issued under section 42 of the DCS Act, 2003 and action deemed fit will be taken against the violator/Managing Committee of the society.*
7. On the above mentioned subject, it is observed that the respondent society cannot be denied to transfer the membership despite giving of direction given by worthy RCS or without any disqualification, in favour of **Smt. Sushila Devi, R/o: Flat No.104, Universal Brotherhood CGHS Ltd., Dwarka, New Delhi-110078**. The Society should be adhered the directive issued by this office regarding to stoppage the Entry Fee which being charged in the name of Development Fund, Transfer Fee, Common Good Fund etc..
8. It is also observed that all the requisite documents as required for transfer of membership under the provision of Section 91 of DCS Act 2003 have been annexed with the application for transfer of membership.
9. The society did not raise any objection as regards the documents which they received for transfer of membership in favour of **Smt. Sushila Devi, R/o: Flat No.104, Universal Brotherhood CGHS Ltd., Dwarka, New Delhi-110078**.

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10. The appellant has relied upon the provision of Rule-92 of DCS Rules, 2007:-

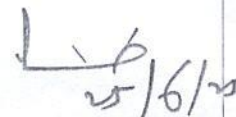
Rule 92(8): *In case the committee fails to take a decision within prescribed time or rejects the application the applicant may file an appeal before the Registrar, who shall decide it within ninety days time.*

11. All the conditions as required under the provisions of Section 91 of DCS Act 2003 are fulfilled in the present case.

I am in agree with the argument of the appellant and respondent society 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. No other disqualification has been pointed out by the respondent society qua the appellant for her becoming a member of the society. Transfer of Membership cannot be refused without the sufficient cause. The society does not have an unfettered right to admit, deny or refuse for transfer of membership.

In view of the above and in exercise of powers vested in me under provision of Section 91 of DCS Act 2003, **the appeal is allowed.** The respondent society is directed to transfer membership in the name of appellant **Smt. Sushila Devi, Flat No.104, Universal Brotherhood CGHS Ltd., Ashirwad Apartments, Plot No.11, Sec-12, Dwarka, New Delhi-110078.**, within 07 days from the date of receipt of this order.

It is ordered accordingly.


(LEKHRAJ)

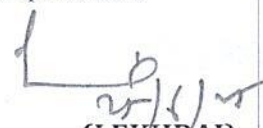
Addl. Registrar Cooperative Societies

F.No.47/826/Appeal/Us-91/2025/612-613

Dated:- 25/06/25.

Copy to the following:-

1. Smt. Sushila Devi, Flat No.104, Universal Brotherhood CGHS Ltd., Ashirwad Apartments, Plot No.11, Sec-12, Dwarka, New Delhi-110078 with reference to the appeal for transfer of membership under U/s-91 for information.
2. The President/Secretary, Universal Brotherhood CGHS Ltd., Ashirwad Apartments, Plot No.11, Sec-12, Dwarka, New Delhi-110078 for compliance the order.
3. The AR (Section-VIII), O/o the Registrar Co-operative Society, GNCTD for information.
4. In-charge (Computer Cell) for uploading the order on the website of this department.


(LEKHRAJ)

Addl. Registrar Cooperative Societies

