

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

No: F.47/251/GH/ Sec-1/RCS/ Part File

6561-65

Dated: -

18/5/28

**ORDER**

This order shall dispose of the proceedings initiated under Section 37 of the Delhi Cooperative Societies Act, 2003 vide Show Cause Notice dated 08.10.2025 issued to Management Committee of Anand Lok CGHS Ltd.

Whereas, Anand Lok CGHS Ltd., Mayur Vihar, Phase-1, New Delhi-110096, is a co-operative group housing society registered with the Department vide Registration No. 251/GH under the provisions of Delhi Cooperative Societies Act and Rules framed thereunder.

**Brief Facts case**

This office has received various complaints/representations from Ms. Neelu Khurana against the present Managing Committee (MC) of the society alleging that the M.C. of the society is not adhering to the provisions of DCS Act/Rule and consistently violating the same.

This office has received representation dated 21.03.2025 regarding repair/renovation of Flat No. D-502, Anand Lok CGHS Ltd. which was duly sent to the society for comments/clarifications on the complaint vide letter date 22.05.2025.

The Management (President/Secretary) and Ms. Neelu Khurana had been given an opportunity of hearing before RCS on 04.08.2025 at 02:00 PM vide letter dated 29.07.2025 and as per letter dated 08.08.2025, the Management had been directed not to create hurdles.

Subsequently, another representation dated 01.09.2025 had been given by Ms. Neelu Khurana in which she informed that the Management of the society was not adhering to the directions given by the Office of Registrar Cooperative Societies and instead creating hindrances in the internal repair/renovation of her flat. She further informed that the Management is consistently working in defiance of the directions of this office issued from time to time on one pretext or another.

Vide letter dated 10.09.2025, while forwarding the representation dated 01.09.2025 submitted by Ms. Neelu Khurana, the Society was informed that issues relating to membership, etc. are to be considered and decided by the Managing Committee strictly in accordance with the provisions of the Delhi Cooperative Societies Act, 2003 and the Delhi Cooperative Societies Rules, 2007, keeping in view the facts and circumstances of each case. It was further clarified that, insofar as the issue relating to purchase of second flat and the internal repair/renovation thereof is concerned, the position had already been clarified vide this office letter dated 08.08.2025 and no further clarification was required in this regard. The Managing Committee was also specifically warned not to deprive any



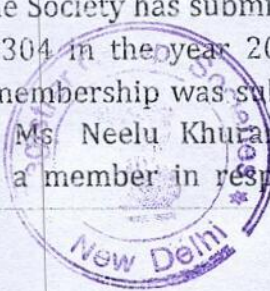
member of his/her lawful rights and that any willful disobedience of the directions issued by this office would be viewed seriously and entail appropriate action under the provisions of the DCS Act, 2003 and Rules framed thereunder.

Thereafter, vide letter dated 15.09.2025, issued in continuation of this office letter dated 10.09.2025, the Society was again directed to submit a compliance report within 05 days from the date of receipt of the said communication. The Society was further informed that failure to furnish the compliance report within the stipulated period would be construed as willful non-compliance of the lawful directions issued by this office and would invite appropriate action against the Managing Committee under the relevant provisions of the Delhi Cooperative Societies Act, 2003 and Rules, 2007.

Despite repeated directions, the Managing Committee of the Society has failed to submit any compliance report or demonstrate adherence to the directions issued by this office.

#### **Submission of the society:**

1. It is submitted that upon receipt of communications from the office of the Registrar Cooperative Societies indicating that there was no prohibition on purchase of a second flat, the Society sought clarification vide letters dated 05.08.2025 and 23.08.2025 regarding the specific statutory provision permitting such purchase. According to the Society, it was advised to obtain legal opinion and take an independent decision, thereby implying that the issue involved interpretation of the applicable legal provisions.
2. The Society has further contended that membership in a Cooperative Group Housing Society is not an absolute right and is subject to fulfillment of statutory eligibility conditions prescribed under the Perpetual Lease Deed, the Bye-laws of the Society, the Delhi Cooperative Societies Act, 2003 and the Delhi Cooperative Societies Rules, 2007. Reliance has been placed upon Clause 5(a) of the Perpetual Lease Deed, which provides that only a person who, along with his/her spouse or dependent relations, does not own any residential plot or house in the urban areas of Delhi shall be entitled to allotment of a dwelling unit. Similar reliance has also been placed upon Bye-law 5(i) of the Society, which stipulates that neither the applicant nor his/her spouse or dependent should own any residential house or plot in Delhi and that a declaration to this effect is mandatory.
3. The Society has further relied upon Sections 79 and 80 of the DCS Act, 2003 to contend that prior permission of the Society is necessary for transfer of shares/interest and acquisition of membership by a transferee, and that transfer may be refused where the transferee is otherwise not qualified to be admitted as a member. Reliance has also been placed upon Rules 19, 20(1)(c), 91 and 92(4) of the DCS Rules, 2007 to contend that a person owning a residential property in Delhi is disqualified from obtaining membership and that the Managing Committee is under a statutory obligation to examine prima facie eligibility before approving transfer or membership.
4. With regard to the factual matrix, the Society has submitted that Late Smt. Pratibha Kapoor had purchased Flat No. E-304 in the year 2002 through GPA/SPA/Will documents and no application for membership was submitted during her lifetime. After her demise on 06.05.2021, Ms. Neelu Khurana applied for transfer of membership and was admitted as a member in respect of Flat No. E-304 vide

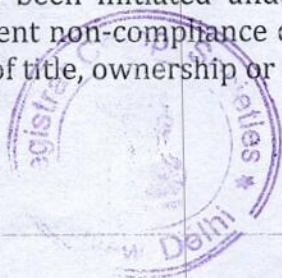


Resolution dated 28.11.2021. It is further submitted that while already holding membership in respect of Flat No. E-304, Ms. Neelu Khurana subsequently purchased Flat No. D-502 in the same Society without obtaining prior permission of the Society and without fulfilling the eligibility conditions prescribed under the statutory framework.

5. The Society has contended that the DCS Act, Rules, Bye-laws and the Perpetual Lease Deed uniformly recognize the principle of "one dwelling unit per eligible member" and that there exists no enabling provision permitting ownership or transfer of occupancy rights in respect of more than one flat in the same Society. It is further contended that the purchase of Flat No. D-502 without obtaining prior permission under Section 79(a) of the DCS Act, 2003 disentitles Ms. Neelu Khurana from claiming any enforceable right in respect of the said flat.
6. That under Rule 20(1)(c)(i) and Rule 91 of the DCS Rules, 2007, as well as Society Bye-law 5(1), no person is eligible for membership if they or their spouse already own a residential house in Delhi. Furthermore, Rule 91 explicitly states that no purchaser shall be entitled to more than one membership in a housing society.
7. That while membership for Flat No. D-502 was not granted, and if renovation permission was allowed, it would result in an apparent contradiction. The alleged directions issued under letter dated 10.09.2025 directions issued were self-contradictory in nature. Grant of renovation permission implicitly recognizes possession and ownership, which would directly violate the statutory prohibition on ownership of two flats. The Society has sought written clarification on this issue to avoid future disputes and allegations.
8. Lastly, the Society has alleged that Ms. Neelu Khurana did not approach the authorities with clean hands in as much as she allegedly modified the prescribed affidavit format required under the Bye-laws while seeking transfer of membership. It is alleged that instead of declaring that neither she nor her spouse nor dependent children owned any dwelling house or plot in Delhi, she omitted the declaration regarding her own ownership and furnished a modified affidavit only in respect of her spouse and dependent children. According to the Society, such alteration goes to the root of eligibility and disentitles her from claiming any right against the Society.

### Findings and Observations

The record has been carefully examined along with the submissions made by the Society. The present proceedings have been initiated under Section 37 of the DCS Act, 2003 primarily on account of persistent non-compliance of the lawful directions issued by this office and not for adjudication of title, ownership or eligibility disputes relating to Flat No. D-502.



It is observed that vide letter dated 08.08.2025, this office had specifically directed the Society not to create hindrances in the internal repair/renovation work. The said direction was reiterated vide letters dated 10.09.2025 and 15.09.2025. Despite repeated communications, the Society neither complied with the directions nor furnished any compliance report. Instead, the Managing Committee continued to raise issues relating to membership and ownership even though this office had already clarified that such issues were to be dealt with independently by the Society in accordance with law.

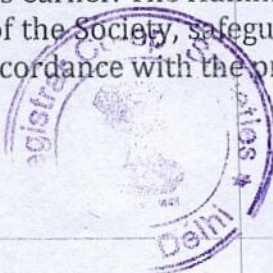
The contention of the Society that permitting internal repair/renovation would amount to recognizing ownership or membership rights is wholly misconceived and untenable. Mere permission to carry out internal repair or renovation in a residential flat does not, in any manner, confer, validate, or recognize membership rights under the Delhi Cooperative Societies Act, 2003. The issue relating to eligibility or entitlement to membership is separate and independent from the issue of undertaking internal repairs in a residential unit already under the possession and occupation of a person. It is pertinent to note that Ms. Neelu Khurana is stated to possess only one membership. The question of holding one membership and the question of ownership of more than one flat are distinct issues and cannot be conflated.

The repeated failure of the Managing Committee to comply with the directions issued by this office and to furnish compliance reports clearly demonstrates persistent negligence in the discharge of statutory duties and willful disregard of lawful instructions issued by the Registrar Cooperative Societies. Despite repeated opportunities and clear directions issued from time to time, the Managing Committee continued to act in deliberate non-compliance of the lawful orders of this office for a period exceeding 280 days from the date of the first direction issued vide letter dated 08.08.2025.

This office is therefore satisfied that the Managing Committee has persistently made default in complying with the lawful directions issued by this office by over 280 days and has acted in a manner prejudicial to the proper functioning of the Society and contrary to the provisions of the DCS Act, 2003 and Rules framed thereunder. The Managing Committee has thus rendered itself liable for action under Section 37 of the Delhi Cooperative Societies Act, 2003.

Accordingly, in exercise of powers conferred under Section 37 of the Delhi Cooperative Societies Act, 2003, the present Managing Committee of Anand Lok CGHS Ltd. is hereby removed/superseded with immediate effect for persistent default, willful disobedience of lawful directions issued by the Registrar Cooperative Societies and failure to discharge statutory duties in accordance with the provisions of the Act.

Further, an Administrator **Sh. T. Tarun Kumar, Deputy Director (Retd.)** is hereby appointed under Section 37 of the Act to manage the affairs of the Society for such period as prescribed under the Act and Rules, or till a newly elected Managing Committee assumes charge, whichever is earlier. The Administrator shall take over charge forthwith, ensure smooth functioning of the Society, safeguard records and assets, and initiate steps for conduct of elections in accordance with the provisions of the Act, Rules, and Bye-laws.



The Managing Committee and all office bearers are directed to hand over complete charge of records, documents, accounts, assets, and all relevant materials of the Society to the Administrator within seven days from the date of this order. Non-compliance with this direction shall invite appropriate action under the provisions of the Act and Rules.

The Administrator shall also examine the grievances/issues raised by Ms. Neelu Khurana strictly in accordance with the provisions of the DCS Act, 2003, Rules, and Bye-laws and submit a factual report to this office within 30 days.

This order is issued accordingly:



  
**Krishna Kumar Singh (IAS)**  
**Registrar Cooperative Societies**

**Sent to:**

1. All Members of Anand Lok CGHS Ltd., Mayur Vihar, Phase-01, New Delhi - 110091.
2. Sh. T. Tarun Kumar, **Administrator**, 903-B, Athulya Heights, Vaishali, Sector-3, Near Sophrix Mall, Ghaziabad - 201010 (Ph No. - 8527719178)
3. DRCS, GH-1, O/o RCS
4. DRCS, IT, O/o RCS
5. Guard File