

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

F.No.47/Appeal Us-91/Sec-6/GH/2025/ 735-738

Dated:- 11/07/2025.

**IN THE MATTER OF:**

Sh. Ramesh Chand & Sh. Devender Kumar Chand,  
R/o: Flat No.53,  
Rajat Jain CGHS Ltd.,  
Vidyasagar Apartments,  
Plot No.34, Sector-6, Dwarka,  
New Delhi-110075

.....Appellants

V/s

The President/Secretary,  
Rajat Jain CGHS Ltd.,  
Vidyasagar Apartments,  
Plot No.34, Sector-6, Dwarka,  
New Delhi-110075

.....Respondent

**ORDER UNDER SECTION-91 OF DCS ACT, 2003**

1. By this Order I shall dispose off the appeal dated 15/12/2023 under section 91 of DCS Act, 2003 filed by the appellants against the respondent society for its non response within mandated time period of thirty days after having receiving the application submitted on 03/10/2023 by the appellants before the respondent society for transfer of membership in r/o Flat No.53, Rajat Jain CGHS Ltd., Vidyasagar Apartments, Plot No.34, Sector-6, Dwarka, New Delhi-110075.

**BRIEF FACTS OF THE CASE:-**

2. The present appeal has been filed by the appellants Sh. Ramesh Chand & Sh. Devender Kumar Chand against non response of the society for transfer of membership in r/o Flat No.53, Rajat Jain CGHS Ltd., Dwarka, New Delhi.
3. The appellants submitted an appeal dated 15/12/2023 U/s-91, against the respondent society for refusal to transfer membership in its name. The appellant stated that its purchased flat No.53 in the aforesaid society, on payment of consideration from Smt. Asha Upadhyay W/o Sh. Shashi Bhushan Upadhyay, by way of registered sale deed on 13/09/2023 vide registration No. 10,900 in Book No.I, Volume No.12,409 on page No.137 to 147, copy of which was provided to the respondent society. Thereafter, the appellants applied transfer membership u/s-91 after refusal from respondent society.
4. Notices dated 29/01/2024, 26/12/2024 & 08/01/2025 U/s-91 of DCS Act, 2003 were issued to the appellants and respondent society for appearance before the Appellant Authority and argument were heard from the both the parties in length.

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5. The appellants as well as respondent society appeared in the above mentioned dates of hearing, in which, the respondent society vide its several letter has intimated that some discrepancies have been found/noticed during internal review. The appellant has been informed to rectify the various discrepancies found by the MC/society and owing to these discrepancies; the society is unable to transfer membership in favour of appellant, subject to completion of all required formalities as per DCS Act, 2003. The society also requested to inform the applicant to rectify the discrepancies. Vide letter dated 10.02.2025, the respondent society requested to provide a further opportunity of being heard in-person, before passing any order.
  6. During the arguments in the hearings, it has been observed that the sufficient time to be appeared before undersigned have been given to the respondent society to submit the necessary reply.
  7. The pleading of the matter has been completed and it is found that the society denied to transfer the membership without any sufficient cause and the contents of the society quarries are totally misconceived and based on mala-fide intention, which is totally unjustified, as registered sale deed has been made/executed in favour to the appellants, thus no question is arise to refusal to transfer the membership in favour of the appellants.
  8. Thus, it is observed that the respondent society cannot be denied to transfer the membership in favour of the appellants. 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 adverse objection as regards the documents which they received for transfer of membership in Flat No.53, Rajat Jain CGHS Ltd., Vidyasagar Apartments, Plot No.34, Sector-6, Dwarka, New Delhi-110075.
  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 appellants and respondent society that the society is intentionally not transferring membership in favour of the appellants 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.

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In view of the above and in exercise of powers vested in me under provision of Section 91 read with sub rule-(6) of Rule 92 of DCS Act 2003; the respondent society through this order is hereby directed to issue the membership to the appellant Flat No.53, Rajat Jain CGHS Ltd., Vidyasagar Apartments, Plot No.34, Sector-6, Dwarka, New Delhi-110075, after completion of necessity codal formalities of documents, as per provisions contained under sub rule 92(6) of DCS Act, and bye-laws of the co-operative housing society, within 15 days from the date of submission of the application or date of issuance of the order.

It is ordered accordingly.

  
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(LEKHRAJ)


**Addl. Registrar Cooperative Societies**

F.No.47/AR/Sec-III/Us-91/US/2025/735-738

Dated:- 11/07/2025

Copy to the following:-

1. Sh. Ramesh Chand, Flat No.53, Rajat Jain CGHS Ltd., Vidyasagar Apartments, Plot No.34, Sector-6, Dwarka, New Delhi-110075 with reference to the appeal for transfer of membership under U/s-91 for information.
2. The President/Secretary, Flat No.53, Rajat Jain CGHS Ltd., Vidyasagar Apartments, Plot No.34, Sector-6, Dwarka, New Delhi-110075 for compliance the order.
3. The AR (Section-6), O/o the RCS, GNCTD for information.
4. In-charge (Computer Cell) for uploading the order on the website of this department.

  
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(LEKHRAJ)

**Addl. Registrar Cooperative Societies**

Comptrol. Cell