

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

F.No.47/Appeal Us-91/Spl. RCS/2026/ 1670 - 1673

Dated:- 23/09/26

IN THE MATTER OF:

Sh. Rajinder Singh,
Flat No. A-84, Saptaparni CGHS Ltd.,
Plot No.4, Sector-19B, Dwarka,
New Delhi-110075

..... Appellant

V/s

The President/Secretary,
The SBI Karamchari CGHS Ltd.,
Plot No.15A, Sector-22, Dwarka,
New Delhi-110077

.....Respondent

ORDER UNDER SECTION-91 OF DCS ACT, 2003

By this Order I shall dispose-off the appeal dated 29/05/2026(Diary No.22993) U/s-91 of DCS Act, 2003 filed by appellant i.e. **Sh. Rajinder Singh** (R/o:Flat No.A-131 in SBI Karamchari CGHS Ltd.), against the respondent society for its none response within mandated time period of thirty days after having receiving the application submitted on 09/04/2026 by the appellant before the respondent society for transfer of membership in r/o **Flat No.A-131, The SBI Karamchari CGHS Ltd., Plot No.15A, Sector-22, Dwarka, New Delhi-110075.**

BRIEF FACTS OF THE CASE:-

1. The present appeal has been filed by the appellant against none response of the respondent society to the application for transfer of membership in r/o flat No.A-131, The SBI Karamchari CGHS Ltd., Plot No.15A, Sector-22, Dwarka, New Delhi-110075.
2. The appellant submitted an application for transfer of membership in their name on 09/04/2026 with the society along-with requisite documents and after none response/refusal; the appellant submitted an application/appeal Under Section-91 of DCS Act, 2003 & Rules, 2007 with this office has annexed the covering letter on 29/05/2026.
3. The following documents have been submitted by the appellant for transfer of membership :-

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- i) Application for request for transfer membership
 - ii) Affidavits
 - iii) Form No.21
 - iv) Copy of Sale Deed
 - v) NOC for grant of membership
 - vi) No Dues Certificate
 - vii) Copy of Conveyance Deed
 - viii) Copy of Share Certificate
 - ix) Copy of Possession Letter
 - x) Copy of Pan Card, Aadhaar Card
 - xi) Declaration & other documents.

4. As per registered Sale Deed: the appellant Sh. Rajinder Singh & Smt. Kiran Saroha jointly purchased the flat No.131 situated in the aforesaid society on payment of consideration from Mrs. Usha Ratra W/o Sh. Maharaj Krishan in favour of Sh. Rajinder Singh S/o Sh. Risal Singh & Smt. Kiran Saroha W/o Deepak Dahiya by way of registered sale deed on 30/03/2026, registration No.2026/16/1/4746 in Book No.I, Volume No.16469 on page No.25 to 44, copy of which was provided to the respondent society. The secondary purchaser Smt. Kiran Saroha given her NOC, vide which, it has been declared that she has no objection in giving membership of the flat in favour of petitioner. Thereafter, the appellant Sh. Rajinder Singh applied transfer membership u/s-91 after none response/refusal from respondent society.
5. A registered Conveyance Deed was executed by DDA in favour of Smt. Usha Ratra registered on 04/06/2007.
6. Smt. Usha Ratra was the original member of the society in whose favour the share certificate no.: 14155 dated 31.08.1996 was issued and a Possession/Occupancy letter dated 23.03.2003 was issued in favour of her by the society.
7. Hearing notices for 09/06/2026, 22/07/2026 & 11/08/2026 under section-91 of DCS Act, 2003, were served to appellant and the respondent society to be present before the court.
8. On 11/08/2026, the appellant Sh. Rajinder Singh and Sh. S.C. Pawar (Member of MC) appeared before this court and the matter heard in length.
9. Society stated that they have no objection to transfer membership in favour of the appellant Sh. Rajinder Singh, the primary owner of the flat, if necessary direction/order will be passed by this court.
10. The appellant had previously applied vide letter dated 09/04/2026 to the society for transfer of membership.
11. Vide request/reply dated 11/08/2026, the appellant further alleged that the society has charged the illegal demand as entry fee on 13/03/2026 and taken Rs.1,00,000/- (Rupees One Lakh) at the time of sale deed, which was not be legally justified and the society compelled him to pay Rupees One Lakh to gain access to the purchased flat.
12. 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.*
13. In the present matter, the case has been filed by the appellant Under Section-91 of DCS Act, 2003 & Rules, 2007, to transfer the membership and the section-91 of DCS Act, 2003 say that :-

Sec-91 of DCS Act, 2003:- *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:

14. The Managing Committee of the society has failed to take a decision on the application of the appellant submitted on 09/04/2026 with the society.
15. The appeal is within period of limitation as per provisions of DCS Act 2003 and DCS Rules 2007.
16. Pleading of the matter has been completed and it is found that the society denied to transfer membership without any sufficient caused, thus no question is arise to refusal to transfer the membership in favour of the appellant.
17. Thus, it is observed that the respondent society cannot be denied to transfer the membership in favour of the appellants.

CONCLUSIONS:-

1. The requisite documents as required for transfer of membership under the provisions of Section 91 of DCS Act 2003 have been annexed with the application for transfer of membership.
2. Non response by the society within mandated time period of thirty days after having received the application for transfer of membership of the appellant amounts to refusal of membership.
3. Transfer of membership cannot be ordinarily rejected unless the person is otherwise ineligible or disqualified to be a member of the society. The respondent society has not pointed out any ineligibility or disqualification for grant of membership to the appellant.
4. Transfer of membership cannot be refused without there being a sufficient cause. The society does not have an unfettered right to refuse transfer of membership to a person who is otherwise eligible to be a member of the society. Non Grant of membership without sufficient cause is a serious issue which prejudices the rights of a person.
5. Conveyance deed can be executed in respect of the flat concerned only after the society grants a No Objection Certificate. A conveyance deed has been executed in case of the flat concerned.
6. The demand of Rs.1,00,000/- (Rs. One Lakh) from the appellant, is prima facie illegal, void-ab-initio and unsustainable in law and violence of the directives issued by RCS on 10-10-2001 and 18-01-2024 subsequently, which indicated to all the Managing Committee of the Cooperative Group Housing/House Building Societies of Delhi were directed to stop the practice of charging "Entry Fee i.e. Development Fund, Transfer Fee, Common Fee etc... from the persons applying for Membership/ Power of Attorney etc.) by whatsoever name and form forthwith. Thus, the demand of the society is totally violence of the directive issued by RCS. The appellant requested to examine the matter and directed to the society to refund the amount of Rs. One lakh.

7. I am in agreement with the appellant 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.

In view of the above and in exercise of powers vested in me under provisions of Section 91 of DCS Act 2003, the appeal is allowed. The respondent society is directed to transfer membership in the name of the appellant **Sh. Rajinder Singh** in r/o **flat No.A-131, The SBI Karamchari CGHS Ltd., Plot No.15A, Sector-22, Dwarka, New Delhi-110075** along with refund the illegal amount taken in the name of entry fee as detail given above, within seven days of the receipt of this Order.

It is ordered accordingly.

(EDA RAJA BABU)

SPL. REGISTRAR COOPERATIVE SOCIETIES

F.No.47/Appeal Us-91/Spl. RCS/2026/1670-1673

Dated:- 23/09/2026

Copy to the following:-

1. Sh. Rajinder Singh, R/o: Flat No. A-84, Saptaparni CGHS Ltd., Plot No.4, Sector-19B, Dwarka, New Delhi-110075 with reference to the appeal for transfer of membership under U/s-91 for information.
2. The President/Secretary, The SBI Karamchari CGHS Ltd., Plot No.15A, Sector-22, Dwarka, New Delhi-110075 for compliance the order.
3. The DRCS(Section-7), O/o the RCS, GNCTD for information.
4. In-charge (Computer Cell) for uploading the order on the website of this department.

(EDA RAJA BABU)

SPL. REGISTRAR COOPERATIVE SOCIETIES