OFFICE OF THE REGISTRAR CO-OPERATIVE SOCIETIES,
GOVT. OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-01
(Housing Section-II)

F.No.47/ARH/618-GH/Sec-II/RCS/Part File/2024/1031 Dated: 4/11/2026

ORDER

This order is issued in compliance of Hon'ble Supreme Court of India vide its order dated 21.04.2026 in which Hon'ble Court has directed the RCS respondent no. 2, to examine and determine as " *to whether respondent No. 1 Ajay Chauhan, qualifies in terms of proviso (ii) to Section 28 of the DCS Act. The Registrar shall follow the due procedure prescribed in that regard.*
The exercise shall be completed expeditiously, keeping in mind the length of time that has elapsed since the expiry of Late Smt. Vinod Chauhan.
In the event respondent No. 1 is not found eligible for allotment of the flat, the amounts paid by him/his mother shall be refund to him with interest thereon as per rules."

BRIEF FACTS OF THE CASE:

Late Smt. Vinod Chauhan, Membership No. 378, became a member of Chinar Co-operative Group Housing Society Ltd. in 2001. Her case was withheld at the stage of processing for allotment on account of non-production of the proof of residence in Delhi and alleged payment default. In support of her residence claim, she submitted a certificate issued by the Principal, Government Post-Graduate College, Sector-11, Chandigarh, certifying her availability/residence at L-49, Malviya Nagar, New Delhi, during vacation periods from 16.05.1999 till her retirement on 29.02.2004, along with a notarized rent agreement. However, the Department, vide letters dated 06.12.2015 and 15.01.2016, sought further residence proof, and the documents submitted were not accepted at that stage, inter alia, on the ground that the rent agreement was notarized but unregistered.

Subsequently, the Society initiated proceedings for her expulsion and issued notices dated 20.06.2011, 26.07.2011 and 26.09.2011, followed by a notice dated 20.12.2011 for personal hearing. Late Smt. Vinod Chauhan appeared before the Managing Committee on 31.12.2011. The Additional Registrar, Cooperative Societies, vide order dated 19.10.2012, declined to approve her expulsion under Section 86(1)(b) of the Delhi Co-operative Societies Act, while leaving the question of her eligibility open. She continued as a member of the Society until her demise on 18.08.2021.

Thereafter, Respondent No. 1, Sh. Ajay Chauhan, claiming to be her sole legal heir, sought transfer of the deceased member's membership/interest and consideration of his claim for allotment of a flat within 180 days of her death. The President of the Society, vide letter dated 30.03.2024, informed the Department that the Society had issued a newspaper advertisement dated 27.02.2024 for filling the vacancy arising from the purported deemed-approved cessation of membership of Late Smt. Vinod Chauhan and had collected non-refundable application money along with an advance of ₹25 lakh towards the part payment of the cost of the flat.

Sh. Ajay Chauhan Petitioner on behalf of her mother Late Vinod Chauhan has filed a writ petition W.P.(C) No. 5279/2024 before the Hon'ble High Court of Delhi seeking stay of Public auction of the flats alongwith other reliefs.

Aggrieved by the proposed auction and the consequential actions of the Society, Sh. Ajay Chauhan approached the Hon'ble High Court of Delhi by way of W.P. (C) No. 5279/2024. Vide interim order dated 10.04.2024, the Hon'ble Court stayed the newspaper advertisement dated 27.02.2024, the auction proceedings, and the Society's unilateral declaration of deemed approval dated 17.07.2023.

Thereafter, upon hearing the matter on merits, the Hon'ble High Court of Delhi, vide its detailed judgment dated 17.03.2025, took note of the relevant facts and figures, which are reproduced herein below:

"

3. *The present petition reveals the 24-years struggle of the Petitioner's family in obtaining the possession of a flat in Chinar Co-Operative Group Housing Society Ltd. (Majestic Apartments), Dwarka, New Delhi. The mother of the Petitioner (`allottee') had applied for membership of the said Society upon clearly stating that she was a resident of Panchkula. She was allotted a share certificate of Rs.100/- by the Society, on 16th February, 2002. According to the Petitioner, the allottee had paid an amount of Rs.13,75,264/-, details of which are as under:*

4. *It is the case of the Petitioner that this amount constitutes 100% of the initial cost of the flat and a substantial portion of the revised cost of the flat, which is to the tune of Rs.20,23,007/-. The revised cost of the said flat is as under:*

5. *It is the case of the Petitioner that the allottee i.e. his mother received two show cause notices, initially on 21st February, 2005 and 9th March, 2005. These were replied to by the allottee and the communication ensued between the parties. The allottee then complained to the Registrar, Cooperative Societies in respect of the conduct of the Society on 31st May, 2011 that the flat was not being allotted to her in Majestic Apartments.*

6. *The allottee then received the show cause notice dated 20th June, 2011 for initiation of expulsion proceedings against her, from membership of the Society. A fresh exercise was started again by the Society for expulsion on the ground that she fraudulently obtained the membership of the Society despite not being a resident of Delhi. The said show cause notice dated 20th June, 2011 was replied to by the allottee.*

7. *Again, a second show cause notice was issued on 26th July, 2011, which was also replied to by the allottee. On 26th September, 2011, the third and final show cause notice was issued, which was also replied to by the allottee. The allottee was then given personal hearing in the expulsion proceedings and after hearing the parties, the order dated 19th October, 2012 was passed by Office of Registrar of Cooperative Societies. The conclusion in the said order was that the proceedings for expulsion were not maintainable as the allottee had not misled the Society in any manner. The operative portion of the said order reads as under:*

"I have gone through the Application Form dated 15.12.2001 submitted by the Respondent with the Society for acquiring membership in the Society. While the permanent address of the member is mentioned as "H.No.440, Sector-6, Panchkula, Haryana", the present address is stated to be "F-2, Sector-14, Chandigarh". The main point for consideration in this case is as to whether the cooperative society has been deceived by the member by virtue of any false statement or submitting any false documents. During arguments on 9.10.2012, this question was posed to Shri S.K. Pathak, Ld. Counsel appearing for the Petitioner Society that when the member had clearly stated on the Application Form that she was a resident of Chandigarh, how can the Society claim that the Society has been deceived by the member. The Ld. Counsel sought to. draw my attention to the documents filed by the member with regard to her proof of residence in Delhi and stated that those documents were not sufficient to draw the conclusion as to whether the member was residing in Delhi for a period of three years prior to the date of application for membership. During these proceedings, I am not inclined to enter into this issue. The Society has tried to make out a case that it has been deceived by the member. What I am required to look into, in terms of Section 86(1)(b) of the Act, is that whether the Member had willfully deceived the Society or not. In this case, I find that since the Member had clearly stated herself to be a resident of Chandigarh at the relevant time, it cannot be claimed by the Society that it has been deceived by the Member. I may hasten to add that I am not deciding the eligibility of the Member for acquiring membership in the Society. The Member may or may not be eligible on the ground of residence proof in Delhi. I am only restricting myself to the provisions of Section 86(1)(b) of the Act. If the Society is of the view that the Member does not have any proof of residence in Delhi for the relevant period, it has alternate remedies available. However, the Society cannot claim that it has been deceived by the Member as the Member had never claimed, at least at the time of acquiring membership that she was a resident of Delhi. I am, therefore, unable to agree with the contention made by the Ld. Counsel for the Petitioner Society that the Society has been deceived in this case."

8. In effect, therefore, the expulsion proceedings were rejected as under:

"5. In view of the above, I am of the considered view that the proposal of the Society is not covered u/s 86(1)(b) of the Act and the same is, therefore, rejected. Copy of this order be sent to both the parties free of cost. File be consigned to concerned Zone/Branch."

9. This was an appealable order but the Society chose not to appeal the said order. The mother of the Petitioner i.e. the original allottee expired on 18th August, 2021. Upon this factum being communicated to the Society, the Society surprisingly took a position on 30th August, 2022 that the membership itself deserves to be ceased. A communication was issued to the Petitioner. In the said proceedings before the Registrar, Cooperative Societies, the President of the Society wrote a communication dated 23rd March, 2023

stating that the Society may be given an opportunity of being heard. In the said letter, the Society did not agree with the judgment dated 29th April, 2022 passed by the ld. Division Bench of this Court in ***W.P.(C) 1538/2020 titled 'T.N. Haokip v. Registrar, Co-operative Societies and Ors.*** *which held that the requirement of three years of residence in Delhi was not mandatory. The relevant portion of the said judgment reads as under:*

> ***"12. It may be noted that thereafter a further notification dated 22nd April, 1997 was issued by the Registrar Cooperative Societies in exercise of its powers under Section 97(1) of the DCS Act, 1973 whereby Clause IV was introduced by way of amendment in Rule 24 of the DCS Rules 1973. As per the said amendment, the requirement of being a resident of NCT Delhi, prior to applying for membership in Group Housing Society was re-introduced without any exception for the Central Government employees however the said notification was never gazetted and thus did not come into force.***
>
> ***XXXXXX***
>
> ***14. Since the notification dated 22nd April, 1997 was never gazetted and thus did not come into force, the notification dated 5th December, 2001 clarifying the notification dated 22nd April, 1997 cannot have any force. The Delhi Cooperative Societies Act, 1973 was repealed by the Delhi Cooperative Societies Act 2003 and received the assent of the Hon'ble President of India on 3rd March 2004, however, it came into force on 1st April, 2005 and the Rules thereunder were made applicable from 2007 which re-imposed the condition of being a resident of NCT Delhi prior to applying for membership in terms of Sub-Clause 6 of Rule 19(1).***
>
> ***15. As noted above, when the petitioner became a member of respondent No.3/society i.e. on 30th September, 2003 the circular dated 16th December, 1992 was applicable as the notification dated 22nd April, 1997 was never gazetted and did not come into force. Further, the DCS Act 2003 and the Rules framed thereunder had also not come into force nor could the DCS Rules notified under the DCS Act 2003 could have been given a retrospective application. Thus, the rejection of the claim of the petitioner based on the requirement of being a resident of NCT of Delhi for a period of three years prior to applying for enrolment in the respondent No.3/society, as being insisted by the respondent No.1, is contrary to law."***

10. Further, no date was given for hearing in the matter. However, on 17th July, 2023, a deemed approval was communicated under Section 41 of the Delhi Cooperative Societies Act, 2003 ('DCS Act') for secession of the membership to allottee i.e. the Petitioner's mother. In response thereto, the Petitioner wrote a representation application under Section 70 of the DCS Act dated 11th March, 2024 praying that the Registrar, Cooperative Societies may hold a hearing and take action against the Managing Committee of the Society. Relief was also sought that the flat be not disposed of and

allotment was also sought. The relevant portion of the said representation application is set out below:

> *"18. Therefore, with folded hands, I request your good self to take quick and stern actions against the Managing Committee of Chinar CGHS Ltd. for concealing the true facts from your good self. Further, declare their order/ letter dated 17.07.2023 as non-est and null & void, since ab-intio, as the proceedings under Section 41 of DCS Act, 2003 cannot be initiated for ceasing the membership no. 378 of my late mother.*
>
> *19. I also humbly request your good self to restrain Chinar CGHS Ltd. from disposing of the flat in the said society by selling or/ and by creating any type right(s)/title(s)/encumbrance(s), etc. of any third party. Further, direct Chinar CGHS Ltd. to allot the flat of my late mother to me as I am her rightful legal heir and nominee.*
>
> *20. I also humbly request your good self to conduct the hearing in respect of the Reference for cessation of membership no. 378 of my late mother dated 30.08.2022 by Chinar CGHS Ltd. and in respect of present Application under Section 70 of DCS Act, 2003 and under DCS Rules, 2007. By rejecting false, vague and baseless case of Chinar CGHS Ltd. and directing them to allot the flat of my late mother to me without any further delay."*

11. The Petitioner, thereafter, came across an advertisement wherein the said flat, which was allotted to the Petitioner's mother, was sought to be auctioned. The same is being challenged by way of the present petition. The prayers in this petition are as under:

> *"a. direct Respondent no. 2 to not to initiate auction proceedings invoked by Respondent no. 1;*
>
> *b. set-aside the auction proceedings invoked by Respondent no. 1 for selling the flat/property belonging to the Petitioner;*
>
> *c. direct the Respondent no. 2 to issue order/ directions to Respondent no.1 to refund the amount collected from the applicants and not to create any third party right or/and encumbrance upon the flat/ property belonging to the Petitioner;*
>
> *d. direct the Respondent no. 2 to decide the reference under Section 41(1)(d) of DCS Act, 2003 read with Rule 35 of DCS Rules, 2007 referred by the President of Managing Committee of Respondent No.1, which is currently pending for adjudication before Respondent no.2; or/and*
>
> *e. direct the Respondent no. 2 to decide the Application u/s 70 of DCS Act of Petitioner in respect of cessation of membership by Respondent no.1 by claiming it 'Deemed Approval'."*

12. On 10th April, 2024, this Court had stayed the advertisement as well as the auction proceedings including the declaration of deemed approval of succession of membership. The Court further directed that the President and Secretary of the

Society shall be personally present on the next date of hearing. Relevant portion of the said order dated 10th April 2024, reads as under:

> *"2. Learned counsel for the Petitioner states that the Petitioner's mother was a member of Respondent no.1 society. He states that the Petitioner is her nominee and sole legal heir. He states that on 19th October, 2012, the Respondent No.2 rejected the proposal of Respondent No.1 to expel Petitioner's mother. He states that Respondent No.1 did not comply with the order dated 19th October, 2012 and did not allot a flat to Petitioner's mother. He states that the order dated 19th October, 2012 has attained finality.*
>
> *3. He further states that Respondent No.1 initiated proceedings under Section 41(1)(d) of DCS Act, 2003 read with Rule 35 of DCS Rules, 2007 ("cessation proceeding") against the Petitioner. He states that Respondent No.1 declared the cessation proceeding against the Petitioner as deemed approved on 17th July, 2023 despite the matter being pending before Respondent No.2. He points out that the Respondent No.1 has published an advertisement on 27th February, 2024 to auction the flat which belongs to the Petitioner/his mother. According to him, the auction proceedings are nonest, null & void as the cessation proceeding is still pending.*
>
> *4. Issue notice. Mr. Vishal Chanda, learned counsel accepts notice on behalf of Respondent No.2. Issue notice to Respondent No.1 by all modes returnable on 15th May, 2024.*
>
> *5.* ***Till further orders, there shall be a stay of the advertisement dated 27th February, 2024 as well as the auction proceedings and Respondent No.1's unilateral declaration of deemed approval dated 17th July, 2023. 6. The notice shall specifically state that the President and the Secretary of Respondent No.1 society shall be personally present in Court on the next date of hearing.*** *"*

13. The matter has, thereafter, been adjourned from time to time. The President and Secretary of the Society are present today.

14. The Court has heard the parties.

15. Ms. Leena Tuteja, ld. Counsel for the Respondent submits that insofar as prayers (a) to (c) are concerned, the same have become infructuous as the auction proceedings have been cancelled. She submits that the prayers (d) and (e) are concerned, the matter may be sent to the Registrar, Cooperative Societies.

16. Ld. Counsel further submits, on instructions, that out of 108 flats, only two flats are still vacant and one of them is blocked by virtue of this Petition. She further submits that other flat allottees have deposited maintenance charges and the market value of the flat is quite high. She also submits that three payments vide DD No.828913 dated 10th October, 2003, DD No.831779 dated 28th January, 2004 and DD No.000935 dated 11th June, 2004 made by way of demand drafts are not traceable and that only the amount of Rs.8,69,000/- stands reflected in the Society's account as having been received from the allottee.

17. On the other hand, ld. Counsel for the Petitioner submits that after making initial payments way back in 2002 to 2004, more than 20 years have passed, the flat has still not been allotted. According to the Petitioner, a substantial sum of Rs.13,75,264/-, out of the total revised amount of Rs.20,23,007/-, also stands paid. The Petitioner is also willing to deposit the entire outstanding amount with interest and any other charges payable so that the flat may be allotted to the Petitioner.

18. Insofar as the amount deposited is concerned, the accounts may be reconciled with the Petitioner by the Society after verifying from their respective bank account statements.

19. Insofar as the relief being sought by the Petitioner qua the allotment of the flat, this Court is of the opinion that after the order dated 19th October, 2012, the Society took no steps either to challenge the said order or to cancel the allotment of the Petitioner on any other ground.

20. The proceedings under Section 86(1)(b) of the DCS Act having been rejected, thus there cannot be any deemed cessation of membership. The Petitioner's mother, who was working as a teacher, had paid a substantial amount from her hard earned money and the Petitioner, who is the son of the original allottee, cannot be deprived of the possession and enjoyment of the flat for which his mother and himself have been embroiled in this long drawn litigation with the Society.

21. Certain disputes have to come to an end and this is one of them. The Petitioner being one of the original allottees and the issue of mandatory residence in Delhi having been adjudicated in favour of the Petitioner/allottee, by the Registrar, Cooperative Societies in its order dated 19th October, 2012, the said issue cannot be re-agitated today. The deemed cessation of membership is thus totally untenable.

22. Under these circumstances, this Court is of the opinion that instead of again litigating this matter, the Petitioner ought to be directed to deposit the entire outstanding amount, after reconciling the accounts, along with interest @ 9% Simple Interest per annum by 15th June, 2025. The Petitioner would also be liable to pay all the maintenance charges of the Society and any other charges, which may have been collected from other allottees/occupants of the flats in the Society from 19th October, 2012 onwards. On this amount, interest shall not be payable.

23. Subject to both the amounts, as directed above, being deposited by 15th June, 2025 and all the outstandings being collected, the Registrar, Cooperative Societies shall, through draw of lots, allot to the Petitioner, one of the two flats, which is vacant in the Society, by 15th July, 2025.

24. The Society confirms that insofar as the auction, which was proposed to be carried out in terms of the public notice dated 27th February, 2024, there is no encumbrance or liability upon the Petitioner."

The above mentioned order dated 17.03.2025 of the Hon'ble High Court of Delhi was challenged before the Hon'ble Supreme Court in SLP (Civil) No. 17690/2025 by the Society.

The Hon'ble Supreme Court while disposing of the SLP inter-alia held:-

2. *Chinar Co-Operative Group Housing Society, the appellant, is aggrieved by the order dated 17.03.2025 passed by a Division Bench of the High Court of Delhi in W.P.(C) No. 5279/2024.*

3. *By the said order, the High Court allowed the writ petition filed by respondent No. 1 herein, Ajay Chauhan, and directed that, subject to his depositing the entire outstanding amount along with interest thereon within the stipulated time along with the maintenance charges and other charges, the Registrar of Co-operative Societies, respondent No. 2 herein, should, through draw of lots, allot to the writ petitioner one of the two flats which were still vacant in the appellant-society.*

4. *By order dated 16.07.2025, the operation of the aforestated order was stayed by this Court.*

5. *The mother of respondent No. 1 herein, late Smt. Vinod Chauhan, was admitted as a member in the appellant society in the year 2001. Expulsion proceedings were initiated against her by the appellant-society under Section 86(1)(b) of the Delhi Co-operative Societies Act, 20031. By order dated 19.10.2012, an Additional Registrar in the Office of the Registrar, Co-operative Societies, Delhi, rejected the appellant-society's proposal on the ground that it would not be covered under Section 86(1) (b) of the DCS Act. However, the issue of eligibility of late Smt. Vinod Chauhan was left open and was not decided one way or the other. Smt. Vinod Chauhan passed away on 18.08.2021.*

6. *Thereupon, respondent No. 1, Ajay Chauhan, sought to step into the shoes of his deceased mother. Parallelly, the appellant-society sought approval from the Registrar of Co-operative Societies to effect cessation of the membership of late Smt. Vinod Chauhan. It appears that the appellant-society also initiated steps for auction of the two vacant flats. It is at this stage that respondent No. 1 approached the High Court by way of the writ petition in question, resulting in the impugned order.*

7. *Upon analysis of the aforestated facts, we may note certain crucial aspects. By order dated 19.10.2012, the Additional Registrar, Cooperative Societies, left the issue of eligibility of late Smt. Vinod Chauhan open and only the attempt of the appellant-society to expel her under Section 86(1)(b) of the DCS Act stood negated. Hence, she continued to be a member of the appellant society.*

8. *We may also note that upon the death of a member, Section 28 of the DCS Act would have application and sub-section (i) thereof states to the effect that, on the death of a member, a co-operative society shall transfer the share or interest of the deceased member to the person nominated in accordance with the rules made in this behalf. Proviso (ii) thereto states that the co-operative society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative, as the case may be, being qualified in accordance with the rules and by-laws for membership of the co-operative society, or on his application within 180 (one hundred eighty) days of the death of the deceased member to any persons specified in the application who is so qualified.*

2

9. *It is not in dispute that respondent No. 1 did apply to the appellant-society within the aforestated time frame. However, it appears that no enquiry had been undertaken to assess/ascertain his eligibility, in terms of the aforestated proviso. Without such an enquiry being undertaken, it was not open to the High Court to straightway direct respondent No. 1, Ajay Chauhan, to make payments and for consequential steps to be taken thereon, including allotment of a flat.*

10. *Further, we are of the opinion that the issue as to the eligibility of late Smt. Vinod Chauhan would stand closed at this stage as the Additional Registrar, Co-operative Societies, left the issue of her eligibility open as long back as on 19.10.2012 but no steps were taken pursuant thereto till her expiry nearly nine years thereafter.*

11. *The appeal is, accordingly, allowed setting aside the impugned judgment dated 17.03.2025 passed by the Division Bench of the High Court of Delhi in W.P.(C) No. 5279/2024.*

12. *The Registrar, Co-operative Societies, respondent No.2, shall examine and determine as to whether respondent No. 1, Ajay Chauhan, qualifies in terms of proviso (ii) to Section 28 of the DCS Act. The Registrar shall follow the due procedure prescribed in that regard.*

13. *The exercise shall be completed expeditiously, keeping in mind the length of time that has elapsed since the expiry of late Smt. Vinod Chauhan.*

14. *In the event respondent No. 1 is not found eligible for allotment of the flat, the amounts paid by him/his mother shall be refunded to him with interest thereon as per rules.*

Compliance with the Order of the Hon'ble Supreme Court dated 21.04.2026.

In compliance with the order dated 21.04.2026 passed by the Hon'ble Supreme Court, this office issued a letter dated 30.06.2026 to the Society and Sh. Ajay Chauhan, calling upon them to furnish the relevant documents, records, and information concerning his claim and eligibility under the Delhi Co-operative Societies Act, 2003, and the Delhi Co-operative Societies Rules, 2007. A reminder dated 29.07.2026 was subsequently issued, followed by a notice dated 10.08.2026, fixing the matter for hearing on 24.08.2026 at 11:30 A.M. to examine compliance with the directions of the Hon'ble Supreme Court and the applicability of proviso (ii) to Section 28 of the DCS Act, 2003.

Further, a hearing was also held on 23.09.2026, during which the matter was heard in light of the directions of the Hon'ble Supreme Court and in the context of the objection raised by the advocate appearing on behalf of the Society, Sh. Rajiv Vig, that Rule 19(1)(vi) is also applicable to Sh. Ajay Chauhan, requiring three years of prior residence.

On 23.09.2026, both parties appeared and were heard. The documents and submissions placed on record have been duly considered.

The present proceedings are confined to the limited question remitted by the Hon'ble Supreme Court, namely, whether Sh. Ajay Chauhan fulfils the eligibility conditions

prescribed under proviso (ii) to Section 28(1) of the DCS Act, 2003, for transfer of the share/interest of Late Smt. Vinod Chauhan and consequential consideration of his claim for allotment of a dwelling unit, subject to the applicable provisions of the Act, Rules and registered bye-laws of the Society.

Proceeding dated 02.11.2026

On 02.11.2026, Sh. Jatin Mittal, Secretary of the Society, and Sh. Aloke Bikash Bhattacharjee, Member of the Managing Committee (MC), were present. Sh. Ajay Chauhan appeared in person along with Sh. Aneesh Mittal and Ms. Komal Mittal, Learned Counsels.

The applicant submitted the relevant documents, including the Will, Death Certificate of Late Ms. Vinod Chauhan, passport copy of Sh. Ajay Chauhan, copy of Driving Licence (2012), copy of the application for membership, share certificate of Late Ms. Vinod Chauhan, Aadhaar Card and other related documents.

The MC of the Society informed that there is no dispute on the part of the Society regarding the membership granted to Late Ms. Vinod Chauhan. However, the same requires confirmation from the RCS for the purpose of allotment of the flat. The Society also acknowledged the payment of Rs. 13,75,264/-, as reflected in the payment receipt. And agreed to provide the latest calculation of the amount payable towards the allotment of the flat.

Examination of Legal Entitlement and Eligibility

The first issue for consideration is whether Sh. Ajay Chauhan is legally entitled to seek transfer of the share/interest of Late Smt. Vinod Chauhan. As per the material available on record, he claims as the son and legal heir of the deceased member. The documents concerning his relationship with the deceased and the consent/no-objection of the other legal heirs, wherever applicable, have been examined.

The record further indicates that Sh. Ajay Chauhan submitted his claim within the period contemplated under proviso (ii) to Section 28(1) of the DCS Act, 2003. The Hon'ble Supreme Court has also recorded that the application of Respondent No. 1 was made within the prescribed period. Accordingly, the question of limitation or timeliness does not survive for determination in the present proceedings.

The next and principal issue for consideration is whether Sh. Ajay Chauhan himself fulfils the eligibility conditions prescribed under the applicable Rules and the registered bye-laws of the Society for membership and consequential transfer of the deceased member's share/interest.

In this regard, The determination in the present proceedings must, therefore, be confined to whether Sh. Ajay Chauhan, as the claimant seeking transfer of the deceased member's share/interest and consequential consideration for allotment, satisfies the eligibility requirements applicable to him under the DCS Act, 2003, the Rules framed thereunder and the registered bye-laws of the Society.

Submission of both parties

1. Submissions of Chinar Co-operative Group Housing Society Ltd.

The Society has raised the following two principal objections regarding the eligibility of Sh. Ajay Chauhan for membership and transfer of the share/interest of the deceased member:

a. **Permanent Residence Abroad:** The Society has contended that Sh. Ajay Chauhan is not eligible for membership of the Society as he is a permanent resident of Singapore.
b. **Applicability of Section 28 of the DCS Act, 2003:** The Society has further contended that Sh. Ajay Chauhan is not eligible for membership in view of Section 28 of the DCS Act, 2003, read with Rule 19(1)(vi) of the DCS Rules, 2007.

2. Submissions of Sh. Ajay Chauhan

In response to the objections raised by the Society, Sh. Ajay Chauhan has made the following submissions:

a. **Indian Citizenship:** Sh. Ajay Chauhan has submitted that he is an Indian citizen, as evidenced by his Indian passport no. V9420271 issued by the Republic of India. He has also relied upon his valid Indian driving licence, PAN card and Aadhaar card to support his claim. Accordingly, he has contended that he fulfils the relevant eligibility condition prescribed under Rule 19(1)(i) of the DCS Rules, 2007.
b. **Applicability of the Three-Year Residence Requirement:** With regard to the Society's objection under Rule 19(1)(vi) of the DCS Rules, 2007, Sh. Ajay Chauhan has submitted that the said provision requires a person to have been a resident of the National Capital Territory of Delhi for a minimum period of three years at the time of applying for membership of the Society.

   It is his contention that the aforesaid residence requirement applies to an applicant seeking original membership and does not apply to a legal heir seeking transfer of the share/interest of a deceased member. He has, therefore, argued that Rule 19(1)(vi) is not applicable to his case, as his claim arises from the death of his mother, Late Smt. Vinod Chauhan, and pertains to the transfer of her existing membership/interest rather than an application for fresh membership.

Findings and Observation

The documents placed on record by Sh. Ajay Chauhan, including his driving licence dated 14.09.2012 bearing Licence No. DL-1220120098689 and PAN Card bearing No. AJYPC9169R, have been examined. The driving licence bears the address D-927, New Friends Colony, Delhi–110025, which falls within the National Capital Territory of Delhi. He has also produced an Indian passport no V9420271 issued on 25.05.2022 by the Republic of India in support of his claim of Indian citizenship bears the address

D-927, New Friends Colony, Delhi-110025. On the basis of the documents produced, the requirement relating to citizenship under Rule 19(1)(i) of the Delhi Co-operative Societies Rules, 2007, stands satisfied.

The principal issue requiring determination is the applicability of the three-year residence requirement prescribed under Rule 19(1)(vi) of the DCS Rules, 2007, to Sh. Ajay Chauhan, who seeks transfer of the share/interest of his deceased mother, Late Smt. Vinod Chauhan, under Section 28 of the DCS Act, 2003 the same stand settle in view of the information provided above.

Section 28 of the DCS Act, 2003, provides the statutory mechanism for dealing with the share or interest of a deceased member. Proviso (ii) to Section 28(1) provides for the transfer of such share or interest to a nominee, heir or legal representative who is qualified, in accordance with the Rules and bye-laws, for membership of the Society. Accordingly, the claimant is required to fulfill the eligibility conditions applicable to him under the statutory framework.

Rule 19 of the DCS Rules, 2007, prescribes the conditions for admission to membership. In particular, Rule 19(1)(vi) stipulates a minimum residence period of three years in the National Capital Territory of Delhi at the time of applying for membership of a co-operative housing society. However, upon consideration of the nature of the present claim, the scheme of Section 28 and the submissions advanced by both parties, it is found that the aforesaid requirement pertains to an applicant seeking original membership and is not applicable, as such, to a legal heir seeking transfer of the share/interest of an existing member under Section 28(1), subject to fulfillment of the other applicable statutory and bye-law requirements. Consequently, the objection raised by the Society solely on the ground that Sh. Ajay Chauhan is a permanent resident of Singapore does not, by itself, establish his ineligibility under Rule 19(1)(vi) in the present transfer proceedings. Further, he holds Indian Passport valid till 2032 which was issued by Embassy of India located in Singapore. Thus his Indian Citizenship is proved beyond doubt.

Rule 20 of the DCS Rules, 2007, prescribes the disqualifications for membership of a co-operative housing society, including the applicable restrictions concerning ownership of residential property, dealings in the purchase or sale of immovable property, and membership of another co-operative housing society, subject to the exceptions provided under the Rules. Upon examination of the material available on record, no disqualification under Rule 20 has been established against Sh. Ajay Chauhan.

Further, Rule 22(2) of the DCS Rules, 2007, specifically addresses the admission of a person inheriting the share or interest of a deceased member and requires such admission to be processed in accordance with the prescribed procedure under the Rules and the registered bye-laws of the Society.

In view of the foregoing examination, it is concluded, for the limited purpose of the present proceedings, that Sh. Ajay Chauhan satisfies the citizenship requirement under Rule 19(1)(i) of the DCS Rules, 2007; the three-year residence requirement under Rule 19(1)(vi) is not attracted to his claim for transfer of the deceased member's share/interest in the circumstances of the present case; and no disqualification under Rule 20 has been established on the material placed on record. Accordingly, his claim is found to be eligible for consideration under proviso (ii) to Section 28(1) of the DCS Act, 2003, read with Rule 22(2) of the DCS Rules, 2007, subject to compliance with the prescribed procedure, the registered bye-laws of the Society and any other applicable statutory conditions.

This determination is confined to the issue remitted by the Hon'ble Supreme Court and shall not, by itself, be construed as an order directing allotment of a particular dwelling unit, which shall remain subject to the applicable statutory provisions, rules and registered bye-laws.

Conclusion

I, the undersigned, having considered the matter on the basis of available records, and the submissions made by the Managing Committee of the Chinar Co-operative Group Housing Society Ltd. and Sh. Ajay Chauhan, the relevant provisions of the Delhi Co-operative Societies Act, 2003, and Rules, 2007 and in compliance with the specific directions issued by the Hon'ble Supreme Court vide order dated 21.04.2026, hereby record the following findings and directions:

1. Citizenship and eligibility: On the basis of the documents placed on record, Sh. Ajay Chauhan has established his Indian citizenship for the purpose of Rule 19(1)(i) of the Rules. Upon consideration of the nature of his claim as the legal heir of a deceased member seeking transfer of her share/interest under Section 28(1) of the Act, it is held, for the purposes of the present proceedings, that the three-year residence requirement prescribed under Rule 19(1)(vi) of the Rules is not attracted to his claim for transfer in the circumstances of the present case. Accordingly, the Society's objection regarding his permanent residence in Singapore, insofar as it is founded solely on the said residence requirement, is not sustainable.

2. Absence of Disqualification: Upon examination of the documents provided, no disqualification of Sh. Ajay Chauhan under Rule 20 of the Rules has been established. His claim shall, however, remain subject to compliance with all other applicable provisions of the Act, the Rules, and the registered bye-laws of the Society.

3. Determination under Section 28(1), proviso (ii): It is noted that Sh. Ajay Chauhan claims as the son and legal heir of Late Smt. Vinod Chauhan, Membership No. 378 and that his application for transfer was made within the prescribed period, as also recorded by the Hon'ble Supreme Court. In view of the findings recorded hereinabove, Sh. Ajay Chauhan is held to be qualified, for

the purpose of proviso (ii) to Section 28(1) of the Act, for consideration of the transfer of the share/interest of the deceased member, subject to verification of the requisite succession-related documents, compliance with the procedure prescribed under the Rules and registered bye-laws, and fulfillment of any other applicable statutory requirements. The Society shall accordingly process his claim in accordance with law. This determination shall not, by itself, be construed as an unconditional direction for allotment of a particular dwelling unit.

4. Reconciliation of accounts and determination of dues: The Society shall prepare and furnish a detailed statement of account in respect of Late Smt. Vinod Chauhan and the claim of Sh. Ajay Chauhan, as applicable.

5. Scope of the order: The present determination is confined to the question of eligibility specifically remitted for Consideration by the Hon'ble Supreme Court Vide order dated 21.04.2026.
6. Transfer of membership for dwelling unit:- The Society following the provisions of Section-28 of DCS Act 2003 and Bye laws of society should transfer membership (MS. No. 378) of Late Smt. Vinod Chauhan to her only son/Legal heir as per will Sh. Ajay Chauhan and recommend allotment of dwelling unit in the said society through DDA.

The matter is disposed of accordingly.

(KRISHNA KUMAR SINGH, IAS)
REGISTRAR CO-OPERATIVE SOCIETIES

KRISHNA KUMAR SINGH, IAS
Registrar Co-operative Societies
Govt. of N.C.T. of Delhi
Parliament Street, New Delhi-110001

Copy to:-

F.No.47/ARH/618-GH/Sec-II/RCS/Part File/2024/1031-1034 Dated: 4/11/2026

1. President/Secretary, Chinar CGHS Ltd., (Majestic Apartments), Plot No. 3, Sector-18, Dwarka, New Delhi-110078.
2. Sh. Ajay Chauhan, S/o Late Mrs. Vinod Chauhan, R/o D-927, New Friends Colony, New Delhi-110025.
3. DRCS, (IT), O/o RCS Parliament Street, New Delhi-110001, for upload.
4. PA to RCS, O/o RCS, Parliament Street, New Delhi-110001.