

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

F.NO. 47/GH/ 1112/ AR/SEC-1/GH/RCS/2022 /4672-75 DATED
ORDER

07/01/26

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

Hemant Arora &Anr.

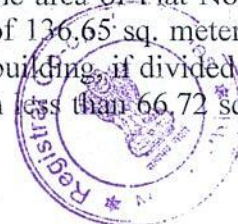
Respondents

ORDER

This order shall dispose of the proceedings initiated vide show cause notice dated 23.08.2024 issued u/r 20 (1)(c)(i) & (iii) of DCS Rules, 2007 read with Section 87 and 41 (d) of the DCS Act, 2003 whereby Hemant Arora was called upon to show cause as to why his membership in The Bhagwati CGHS Limited (Regn. No.1112/GH), Plot No.1A, Sector-22, Dwarka, New Delhi-110075 be not ceased on the ground that he owns another Property in Delhi.

The brief facts of the case are as under:-

1. Present petition u/r 20 (1)(c)(i) & (iii) of DCS Rules, 2007 read with Section 87 and 41 (d) of the DCS Act, 2003 was filed by one Sh. Jagat Singh alleging that Sh. Hemant Arora (respondent No.1) who is a member of the Bhagwati CGHS Ltd. (respondent No.2) has another Property in Delhi bearing No.361 in the Shri Niketan CGHS Ltd., Plot No.1, Sector-7, Dwarka, New Delhi and has thus incurred disqualification under the provisions of law.
2. A show cause notice dated 23.08.2024 under the aforesaid provisions of law was issued to Sh. Hemant Arora and a copy of the complaint was also provided to him to give his reply to the same. In the reply, Sh. Hemant Arora challenged the locus of the petitioner to file and maintain the petition. On merits, Sh. Hemant Arora stated that his mother Smt. Chander Kant who had been residing on rent in Flat No.314 in the Shri Niketan CGHS Ltd., Plot No.1, Sector-7, Dwarka, New Delhi entered into an agreement to purchase Flat No.361 in the same society but could not arrange housing loan due to her advance age and therefore, the name of Sh. Hemant Arora was added for the purpose of procuring housing loan for purchase of the said property and ultimately, a registered sale deed dt.22.08.2013 in respect of Flat No.361 was executed in favour of Smt. Chander Kant and Sh. Hemant Arora. He has filed a copy of sale deed, ITRs etc. and relied upon judgments of Hon'ble High Court of Delhi in the cases of "Kallu Ram Sharma Vs. the Financial Commissioner" and "Bindya Aggarwal Vs. RCS" in support of his case.
3. In nutshell, the stand of Sh. Hemant Arora is that the area of Flat No.361, which is situated on 6th floor in an eight storied building, is of 136.65 sq. meter and therefore their joint share in the land beneath the Flat No.361/building, if divided amongst eight floors owners, is around 23 sq. meter which is much less than 66.72 sq. meter and is



therefore saved / exempted in view of proviso (a) to Rule 20(1) (c) (i) of the DCS Rules, 2007 and the above judgments. Relevant portion of Rule 20 (1) (c) (i) of the DCS Rules, 2007 reads as follows:

Rule 20 (1) (c) (a) of DCS Rules, 2007:

(1) No person shall be eligible for admission as a member of a co-operative society if he:-

(a)

(b)

(c) in the case of membership of a housing society:-

(i) owns a residential house or a plot of land for the construction of a residential house in any of the approved or un-approved colonies or other localities in the National Capital Territory of Delhi, in his own name or in the name of his spouse or any of his dependent children, on lease hold or free-hold basis or on power of attorney or on agreement for sale;

Provided that above clause shall not be applicable-

(a) in case of co-sharers of property whose share is less than 66.72 sq. metres of land or if the residential property devolves on him by way of inheritance;

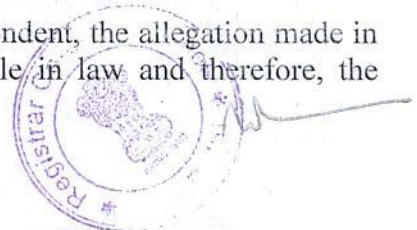
(b) In the case of a person who has acquired on power of attorney or through agreement to sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned

(ii) deals in purchase or sale of immovable property either as principal or as agent in the National Capital Territory of Delhi; or

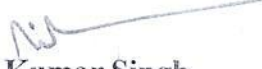
(iii) his spouse or any of his dependent children is a member of any other co-operating housing society.

4. The Hon'ble High Court of Delhi in the cases of "Kallu Ram Sharma Vs. The Financial Commissioner of Delhi" and "Bindya Aggarwal Vs. RCS & Anr", has also held that it is the share in land and not the area of flat in a multi-storied building which is to be seen while deciding the issue of disqualification.
5. The predecessor of this court, after relying upon above judgments, has also held, in a few other similar cases of this Society, that no disqualification is incurred by the member if his / her share in the land is less than 66.72 sq. meter.
6. The petitioner has neither appeared on any of the dates in this case to pursue his petition nor filed any submissions or evidence thereafter to rebut the reply filed on behalf of the respondent member, which indicates that petition is just a misuse of the process of law for some extraneous reasons.

In the light of the submissions and judgments filed by the respondent, the allegation made in the complaint against the respondent is found to be untenable, in law and therefore, the



complaint against the respondent is hereby dismissed and the show cause notice earlier issued to the respondent for cessation of his membership in the Bhagwati CGHS Ltd. stands withdrawn. As a result, Sh. Hemant Arora continues to be a regular member of the Bhagwati CGHS Ltd.


Krishna Kumar Singh
Registrar Cooperative Societies, Delhi

Copy to:

1. Sh. Jagat Singh D-407, Sri Durga CGSHS Ltd. Sector-12, Dwarka, Delhi-75
2. Sh. Hemant Arora, through President / Secretary of the Bhagwati CGHS Ltd., Plot No.1A, Sector-22, Dwarka, New Delhi-75
3. Asstt. Registrar (Sec-1), office of RCS.
4. Asstt. Registrar IT Cell, office of RCS.

