

**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 /4676-79

DATED 07/01/2026

**IN THE MATTER OF:**

Jagat Singh

Petitioner

Versus

Rakesh Kumar Jha &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 Rakesh Kumar Jha 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. Rakesh Kumar Jha (respondent No.1) who is a member of the Bhagwati CGHS Ltd. (respondent No.2) has another Property in 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. Rakesh Kumar Jha and a copy of the complaint was also provided to him to give his reply to the same. In the reply, Sh. Rakesh Kumar Jha challenged the locus of the petitioner to file and maintain the petition. On merits, Sh. Rakesh Kumar Jha has stated that Flat No.462 in Chandanwari Apartments, Sector 10, Dwarka, New Delhi does not belong to him and has filed a copy of the sale deed dated 19.08.2011 and certificate issued by the Secretary of Chandanwari Apartments showing flat No.462 is jointly owned by his wife and father namely Smt. Meenakshi Jha and Sh. B.N. Jha and has relied upon the judgments of Hon'ble High Court of Delhi in the cases of "Alimuddin Vs RCS", "Kallu Ram Sharma Vs. the Financial Commissioner" and "Bindya Aggarwal Vs. RCS" in support of his case.
3. In nutshell, the stand of Sh. Rakesh Kumar Jha is that firstly he has no right or interest in Flat No.462 as same belonged to his wife and father and that does not cause any disqualification to his membership in the Bhagwati CGHS Ltd. in view of the judgment passed in Alimuddin case and secondly, the area of Flat No.462, which is situated on 5<sup>th</sup> floor in an eight storied building, is of 91 sq. meter and therefore the joint share of Smt. Meenakshi Jha and Sh. B.N. Jha in the land beneath the Flat No.462/building, if divided amongst eight floors owners, is around 12.00 sq. metre 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-**

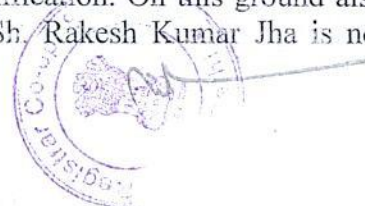
**(a) in case of co-sharers of property whose share is less than 66.72 sq. metres of land** or if the residential property devolves on him by way of inheritance;

**(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. In Alimuddin case, the Hon'ble High Court of Delhi, after referring to its earlier decisions, held that to attract the applicability of rule 25(1) (c)(i), the member of the Society must own a residential property or plot in his own name or in the name of his spouse or a dependent child, which means benami. It is evident from the sale deed dated 19.08.2011 that Flat No.462 was purchased by Smt. Meenakshi Jha and Sh. B.N. Jha and the complainant has failed to show and prove that Sh. Rakesh Kumar Jha has any link, right or title in the said Flat No.462 which is in the joint names of Smt. Meenakshi Jha and Sh. B.N. Jha. Thus, the complaint as well as show cause issued to Sh. Rakesh Kumar Jha is defective and unsustainable in law.
5. Further, the Hon'ble High Court 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. On this ground also the complaint as well as show cause notice against Sh. Rakesh Kumar Jha is not legally maintainable.



6. The predecessor of this court, after relying upon above judgments, has also held, in a few other similar cases of this very Society, that no disqualification is incurred by the member if his / her share in the land is less than 66.72 sq. meter.
7. 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. Rakesh Kumar Jha 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. Rakesh Kumar Jha, 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.

