

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

F.No.47/AR/Sec-III/Us-91/BKS/2025/478-476

Dated:- 04/06/2025

IN THE MATTER OF:

Smt. Bholan Kaur Sandhu,
R/o:28-B, Jyoti CGHS Ltd.,
Plot No.B-2, Sector-14 Extn.,
Rohini, Delhi-110085

.....Appellant

V/s

Jyoti CGHS Ltd.,
Plot No.B-2, Section-14 Extn.,
Rohini, Delhi-110085.
(Through President/Secretary)

.....Respondent

ORDER UNDER SECTION 91 OF DCS ACT, 2003

1. By this Order I shall dispose off the appeal dated 18/07/2024 under section 91 of DCS Act, 2003 filed by the appellant against the respondent society for its non response within mandated time period of thirty days after having receiving the application submitted on 28/05/2024 by the appellant before the respondent society for transfer of membership in r/o flat No.28-B, Jyoti CGHS Ltd.

BRIEF FACTS OF THE CASE:-

2. The present appeal has been filed by the appellant **Smt. Bholan Kaur Sandhu**, against non response of the society for transfer of membership in r/o flat No.28-B.
3. The appellant submitted an application for transfer membership in her name on 18/07/2024 with the society along with requisite documents. The appellant stated that she purchased flat No.28-B, on payment of consideration from Sh. Suresh Kumar S/o Late Sh. R.L. Sharma in question by virtue of registered agreement of sale on 15/06/2004, copy of which was provided to the society.
4. Sh. Suresh Kumar was the original member of this flat as per Share Certificate No.31 dated 01/10/1981, who also executed registered agreement of sale in favour of the appellant.
5. A Notice dated 18.03.2025 u/s-91 of DCS Act, 2003 was issued to the appellant and respondent society for appearance before the Appellant Authority and arguments were heard from the both the parties in length.
6. The respondent Society appeared in the said hearing, wherein, it has been informed that the appellant has not clear the outstanding dues, which are lying pending since so many years and society is compelled to file a recovery case against the appellant u/s 70 of the DCS Act for recovery of dues outstanding.
7. It is observed that the reason for rejection the transfer of membership for the flat No.28-B in the Jyoti CGHS Ltd., is unjustified, as the matter for clearance of outstanding amount/dues has to be decided u/s-70 which is the separate issue. Thus, the respondent society can not be denied to transfer the membership on this ground or without any disqualification, in favour of **Smt. Bholan Kaur Sandhu, Flat No.28-B.**

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8. 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 objection as regards the documents which they received for transfer of membership in favour Smt. Bholan Kaur Sandhu, Flat No.28-B in the above society.
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 appellant and respondent society 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. 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.

In view of the above and in exercise of powers vested in me under provision of Section 91 of DCS Act 2003, the appeal is allowed. The respondent society is directed to transfer membership in the name of appellant **Smt. Bholan Kaur Sandhu in r/o Flat No.28-B, Jyoti CGHS Ltd., Plot No.B-2, Section-14 Extn., Rohini, Delhi-110085**, within 07 days from the date of receipt of this order.

It is ordered accordingly.

(LEKHRA)

Addl. Registrar Cooperative Societies

F.No.47/AR/Sec-III/Us-91/BKS/2025/473-476

Dated:- 04/06/2025

Copy to the following:-

1. Smt. Bholan Kaur Sandhu in r/o Flat No.28-B, Jyoti CGHS Ltd., Plot No.B-2, Section-14 Extn., Rohini, Delhi-110085 with reference to the appeal for transfer of membership under U/s-91 for information.
2. The President/Secretary, Jyoti CGHS Ltd., Plot No.B-2, Section-14 Extn., Rohini, Delhi-110085 for compliance the order.
3. The AR (Section-3), O/o the Registrar Co-operative Society, GNCTD for information.
4. In-charge (Computer Cell) for uploading the order on the website of this department.

(LEKHRA)

Addl. Registrar Cooperative Societies