

**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/ 2022/4805

DATED 26/12/21

**IN THE MATTER OF:**

Jagat Singh

Petitioner

Versus

Smt. Asha Vaswani (deceased)  
Through Smt. Priya Vijray

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 Smt. Asha Vaswani was called upon to show cause as to why her membership in The Bhagwati CGHS Limited (Regn. No.1112/GH), Plot No.1A, Sector-22, Dwarka, New Delhi-110075 be not ceased 20 (1)(c)(i) & (iii) of DCS Rules, 2007 read with section 87 and 41 (d) of the DCS Act, 2003 on the ground that she owns another property in Delhi.

The brief facts of the case are as under:-

1. That the 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 therein that Smt. Asha Vaswani (respondent No.1) who is a member of the Bhagwati CGHS Ltd. (respondent No.2), has another property in Delhi bearing No.6910/XII, Plot No.32, East Kamla Nagar, Delhi and has thus incurred disqualification under the provision law.
2. A show cause notice dated 23.08.2024 under the aforesaid provision of law was issued to Smt. Asha Vaswani and a copy of the complaint was also provided to her representative to give her reply to the same.
3. In the reply filed by Smt. Priya Vijray, daughter of Smt. Asha Vaswani, it is stated that Smt. Asha Vaswani had expired on 22.04.2024 and after her death, her daughter Smt. Priya Vijray was enrolled as a member of the Bhagwati CGHS Ltd. in place of Smt. Asha Vaswani and therefore show cause notice to a dead person is invalid. She also challenged the locus of the petitioner to file and maintain the complaint / petition against her.
4. On merits, Smt. Priya Vijray in her reply stated that her mother Smt. Asha Vaswani had purchased only a part of the property i.e. western side half portion of built-up



freehold Property bearing Municipal No.XII/6910, Plot No.32-E, plinth area measuring area 74 sq. metr. on second floor without roof rights situated at Northern City Extension Scheme No.1, Bungalow Road, Kamla Nagar, Delhi-110007 vide registered sale deed dt.2.04.2010 and subsequently sold the said property vide registered sale deed dated 16.04.2018 and has filed the copies of the sale deeds and relied upon the judgments of Hon'ble High Court of Delhi in the case of "Kallu Ram Sharma Vs. the Financial Commissioner" and "Bindya Aggarwal Vs. RCS" in support of her case.

5. In nutshell, the stand of Smt. Priya Vijray is that the area of aforesaid property of Smt. Asha Vaswani was only 74 sq. metre. and the same was on 2<sup>nd</sup> floor and there is another owner in possession of same area at the first floor in a two and half storied building. Therefore, the share of Smt. Vaswani in the land beneath the said property/building, if divided amongst two floor owners, was around 30-33 sq. metre, which is less than 66.72 sq. metre. 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.

6. 8The 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 individual 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.

7. 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.
8. 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 her membership in the Bhagwati CGHS Ltd. stands withdrawn. As a result, Smt. Priya Vijray who has been enrolled as member in place of Late Smt. Asha Vaswani continues to be a regular member of the Bhagwati CGHS Ltd.



*AK* 28/12/25  
**Krishna Kumar Singh**  
Registrar Cooperative Societies, Delhi

Copy to:

1. Sh. Jagat Singh D-407, Sri Durga CGHS Ltd. Sector-12, Dwarka, Delhi-75
2. Smt. Priya Vijray, 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.