

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 /4866

DATED 26/12/25

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

Sh. Padma Rai

Respondent

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. Padma Rai 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 under 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 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. Padma Rai (respondent No.1) who is a member of the Bhagwati CGHS Ltd. (respondent No.2), has another property in Delhi bearing No. 21, DDA Flats, Pocket-I, Sec-23, Dwarka, 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. Padma Rai and a copy of the complaint was also provided to her to give reply to the same.
3. In the reply, Smt. Padma Rai has stated that the aforesaid Flat No.21 does not belong to her and she used that address 15-20 years back to secure admission of her daughter in Mount Carmel School Sector -22 Dwarka, Delhi. She further stated that the aforesaid flat originally allotted to one Sh. Narsi Ram by DDA and Smt. Padma Rai has also filed a copy of the allotment letter and water bill in this regard which is in the name of the said Sh. Narsi Ram. Smt. Padma Rai has further stated that the current owner of the aforesaid Flat is Sh. Suresh Kumar and has filed copy of electricity bill, whereas Smt. Padma Rai stated to have been residing at D-503, Raheja Atharva Sector 109, Dwarka Expressway, Gurugram and has filed the copy of her Aadhar Card.
4. Smt. Padma Rai has also stated that the area of Flat No.21 is 75 sq. meter and is situated in a building having four floors and thus the share of individual owner is around 18 sq. meter which is otherwise exempted under the proviso (a) to Rule 20 (1) (c) (i) and has 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 his case.

5. In nutshell, the stand of Smt. Padma Rai is that the Flat No.21 does not belong to her and even complainant has failed to produce any valid evidence in this regard. As per Smt. Padma Rai, even otherwise the share of individual allottee of the building in which Flat no.21 is situated is around 18 sq. meter i.e. much less than 66.72 sq. metr. and the same 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. 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 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. metr.



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 his membership in the Bhagwati CGHS Ltd. stands withdrawn. As a result, Smt. Padma Rai continues to be a regular member of the Bhagwati CGHS Ltd.



W 26/12/25
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. Padma Rai, 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.