

**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 /4867

DATED 26/12/25

**IN THE MATTER OF:**

Jagat Singh

Petitioner

Versus

Sushila Gupta & 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 Sushila Gupta 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 on the ground that she owns another Property in Delhi in her husband's name.

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 Smt. Sushila Gupta (respondent No.1) who is a member of the Bhagwati CGHS Ltd. (respondent No.2) has another Property in Delhi bearing No. A-314, Derawal Nagar Delhi in her husband's name and has thus incurred disqualification under the provision of law.
2. A show cause notice dated 23.08.2024 under the aforesaid provisions of law was issued to Smt. Sushila Gupta and a copy of the complaint was also provided to her to give her reply to the same. In the reply, Smt. Sushila Gupta challenged the locus of the petitioner to file and maintain the petition. On merits, Smt. Sushila Gupta has stated that property No.A-314/II does not belong to her and has filed a copy of the sale deed dated 19.02.1990 which shows that the property bearing No.A-314/II consisting of ground floor and one small room on mezzanine floor under the stair case in a three storied building consisting of Ground Floor, First Floor and Second Floor on a plot of land measuring 108 sq. meter having municipal number A-314/II, Derawal Nagar, Delhi was purchased by her husband Sh. Vijay Prakash Gupta S/o Sh. Om Prakash Gupta from one Sh. Kundan Lal Dua S/o Sh. Khilanda Ram Dua vide registered sale deed dated 19.02.1990. She 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 Smt. Sushila Gupta is that firstly she has no right or interest in the property bearing No.A-314/II consisting of Ground Floor and one small room on mezzanine floor under the stair case in a three storied building as same belongs solely and exclusively to her husband and that does not cause any disqualification and secondly, the area of Property bearing No.A-314, situated at ground floor in a three storied building, is around 108 sq. meter, and therefore the individual share of the husband of Smt. Sushila Devi namely Sh. Vijay Prakash Gupta in the land beneath the property bearing No.A-



314/II/building, if divided amongst three floors owners, is around 36 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-**

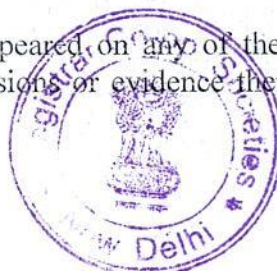
**(a) in case of co-sharers of property whose share is less than 66.72 sq. metres of land** or if the residential property devolves on him by way of inheritance;

**(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. 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 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 Smt. Sushila Gupta is not legally maintainable.
5. It is observed that the sale deed of the property as mentioned in the submissions of Smt. Sushila Gupta indicates the plot size of 130.165 sq.yards and one-third rights of the land is transferred to Shri Vijay Prakash Gupta, husband of Smt.Sushila Gupta, which comes to 36.23 sq metres approximately. This is much less than the limit of 66.72 sq. metres as per rule position.
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



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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. Sushila Gupta 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. Sushila Gupta, 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.