

**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 /4984-87 DATED

07/01/2026

**IN THE MATTER OF:**

Jagat Singh

Petitioner

Versus

Harish Kumar & Sarla & 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 Sh. Harish Kumar and Smt. Sarla were called upon to show cause as to why their joint 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 they own another properties 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 Sh. Harish Kumar and Smt. Sarla (respondent No.1) who are joint members of the Bhagwati CGHS Ltd. (respondent No.2), have other properties in Delhi bearing No. B-2 and B-6, Priya Apartment, Block-D, Vikar Puri, New Delhi and have 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 Sh. Harish Kumar and Smt. Sarla and a copy of the complaint was also provided to them to give reply to the same.
3. In the reply filed by Sh. Harish Kumar and Smt. Sarla it is stated that Flat No.B-6 does not belong to any of the joint members, whereas the Flat No.B-2 is only in the name of Sh. Harish Kumar, however, his share in the land beneath Flat No.B-2 in Priya Apartments is less than 66.72 sq. meter and therefore he has not incurred any disqualification. The respondent joint members have filed the copies of the certificates issued by Hony. Secretary of Priya Apartments and have also 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 their case.
4. In nutshell, the stand of Sh. Harish Kumar and Smt. Sarla is that the area of the Flat No.B-2, which is in the name of Sh. Harish Kumar only, is around 77.92 sq. metre. and the same is at Ground Floor in a building consisting of ground plus 3 floors and therefore, the share of Sh. Harish Kumar in the land beneath the Flat No.B-2/building, if divided



amongst four floor owners, is less than 19.48 sq. metre, which is much 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.

5. 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.
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. In another certificate issued by the Hony. Secretary of Priya Apartments he has certified that Flat No.B-6 in the said Society belongs to Dr. Shivaji Bhandarkar. Thus, Sh. Harish Kumar and Smt. Sarla do not have any right or interest in the Flat No.B-6.
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 joint-members, the allegation made in the complaint against the respondent joint members is found to be untenable in law and therefore, the complaint against the respondent joint members is hereby dismissed and the show cause notice earlier issued to the respondent joint members for cessation of their joint membership in the Bhagwati CGHS Ltd. stands withdrawn. As a result, Sh. Harish Kumar and Smt. Sarla continue to be regular joint members 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. Harish Kumar and Smt. Sarla, 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.

