

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES
GOVERNMENT OF NCT OF DELHI
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI 110001

No. F. 46/1160/Coop./5027-28

Dated: 14/1/26

ORDER

This order will dispose of the proceeding initiated vide High Court Order dated 10.12.2025, passed by the Hon'ble High Court in the W.P.(C) No.15045/2025 whose petitioner Smt. Rajni Kukreja in terms of the said order submitted her representation and appeared in person with her Advocate Ms. Mahima Dang in connection with her membership in Dera Ismail Khan Building Housing Society Ltd. on 22.12.2025 as directed for taking decision when they both were heard.

The issue raised in the representation is related to a letter dated 15.09.2023 received by her from the erstwhile administrator of said society for submitting response within 15 days on rejection of her claim of membership from the said society in interim report dated 31.07.2023 submitted by an Inspecting Officer appointed under section 61 of the DCS Act, 2003 in compliance to the judgment dated 08.02.2022 by Hon'ble High Court in the W.P.(C)No.2373/2022 filed by one Col. M.P. Wadhwa & Ors. wherein it was directed to look into their grievances ventilated in complaint dated 20.01.2020 and to take a decision wherein it was alleged that a list of left out members of society after allotment of plots was increased from 69 to 120 as on 02.08.2020 whose then executive committee was responsible with commission of grave irregularities and despite non-availability of land for allotment submitted a list 120 persons to this office.

In complaint dt:20.01.20 it was alleged that said society was registered in 1953 and there were around 1076 members whose building plan was sanctioned by DDA on 11th June, 1979 on the strength of this the DDA sanctioned total 639 plots wherein 1007 members were adjusted by way of allotment in two size of plots. It also stated that after allotment no land was left to accommodate the 69 left out members and a proposal was made by its executive committee to adjust them by reducing size of land allocated for higher secondary School situated at A Block, Derawal Nagar, Delhi and decision was taken in GBM to transfer 7.70 acres of land which was transferred by registered trust deed dated 14.02.1986. However, steps stated to be taken by Society in complaint dated 20.01.2020 in this regard didn't materialize as evident from an order dated 06.07.2023 passed in W.P.(C) No.8995/2011 filed by society against DDA, who decided for granting a hearing to society on 21.07.2023 as per the existing master plan and directed DDA to consider its request accordingly but status of its outcome is unknown.

On receipt of interim inspection report dated 31.07.2023 which decided the membership of these 120 persons and some of them objected whose claim of



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memberships was rejected by the inspection officer. In view thereof vide letter dated 30.08.2023 the erstwhile administrator of society was directed to grants them opportunity to decide their objections by speaking order. The said letter was withdrawn in view of a fresh writ petition filed by Col. M.P.Wadhwa & Ors. prayed for its quashing etc. in W.P.(C) No.14528/2023.In view thereof by order dated 04.08.2025 it was disposed of by Hon'ble High Court.

The bylaws of this society as forwarded by its administrator for deciding these representations would be relevant whose Chapter-III prescribes the conditions for its membership whose Bylaw No.4(i){a} stipulates that no person shall be its member unless he is a duly registered displaced person from the District Dera Ismail Khan, West Pakistan, in Delhi before the prescribed date or having been allotted some permanent accommodation or has place of business in Rajendra Nagar, Karol Bagh, Pahar Ganj, Subzi Mandi and Kingsway Camp. The society was formed with sole objective to provide land to such displaced persons for building residence in Delhi and who were registered before a specified date to be displaced from Dera Ismail Khan after partition of India with resettlement.

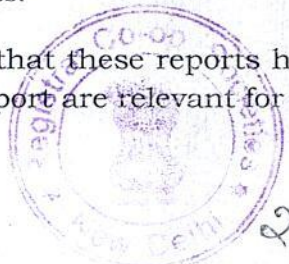
The conclusion drawn in interim inspection report is reproduced herein below:

"The above discussions show how sale and purchase of the large numbers of shares of Society has taken place and how non-eligible members have been unauthorizedly made members of the Society. All this could not happen without active support and connivance of the Management Committee. Shares which are shown as "Blank" entries or "Resigned and Money Refunded in the Kaul Committee Report, have been shown issued/transferred under the signatures of the Management Committee. Apparently it was an act of preparation of false documents for the purpose of cheating the genuine members of Society as well as Government (RCS/DDA)..... "Most of the purchasers of the shares are from Derewal Nagar Colony itself which indicates towards the nexus. A share has been purchased by the wife of the clerk of the Society....."

"All this clearly shows that the allegation of the complaint regarding inflated list of members is established. The complaint regarding unauthorized sale/ purchase of the shares with active connivance of Management is also substantiated in view of details mentioned in the forgoing paragraphs."

Final inspection report of 17.11.2023 made following observation, are as under: "that out of disputed list of 120 left-out member, 30 persons did not respond to the repeated public notices published in the Newspapers published by my predecessor I.O. and by me; 35 cases have been found where the claimant is either original member mentioned in Kaul Committee Report, or his successor and in 55 cases, shares have been sold/purchased/transferred in the blatant violation of rules, even non-existent shares were shown issued to claimants."

It is for these reasons that these reports have not been challenged by anyone. The findings returned in report are relevant for deciding these representations.



Submissions

In representation dated 22.12.2025 Smt. Rajni Kukreja submitted as under:

- (i) She is assailing illegal, arbitrary and without justification rejection/cancellation of her lawful membership of the society vide letter dated 15.09.2023 issued by the then administrator-cum-returning Officer, Sh. Ajay Arora reproducing the order dated 10.12.2025 passed by Hon'ble High Court directing her to appear on 22.12.2025 with the written notes of arguments and all relevant documents. However, instead of written notes of arguments a representation is submitted.
- (ii) It is reasserted that by said order/communication, administrator arbitrarily cancelled/rejected her membership (Share No.34) in the society despite the fact that she's its lawful member since 2002, as reflected in a list of its members duly approved by the RCS. This action has been actually taken after a lapse of more than 20 years in complete disregard of principle of natural justice etc. hence it's nullity.
- (iii) It is further submitted that said society was established in 1953 by displaced persons from district Dera Ismail Khan(now in Pakistan), who had migrated to India after the partition with the primary objective of promoting the economic interests of the members, particularly for providing housing facilities through cooperative framework and was duly registered under Delhi Coop. Societies Act, whose original bylaws as contained cl.4(i)(a) restricted membership to displaced persons from said region which was deleted pursuant to an amendment carried out and approved on 10.01.1975 by this office.
- (iv) It is also submitted that her family migrated to India from Pakistan during the partition and she at all times been eligible for membership under the applicable bylaws of the society and accordingly, in 2002 upon fulfilling them, she applied for membership and allotment of shares which was approved in the minutes of meeting dated 14.07.2002 was also provided to her and stated to be forwarded to this office for approval in accordance with the law which was informed to be approved on 02.08.2002 whose copy was as forwarded to DDA in a list of 120 waitlisted members bearing her name appeared at serial No.7. Pursuant to that an original share certificate dated 02.10.2002 was issued by the society to her allotting share No.34 with assurance of its validity as per bylaws and statute.
- (v) She further submitted that since the year 2002, she continuously remained a duly recognized and lawful member of the society at all times, including making timely payments of dues with submission of the requisite documents which was not questioned over two decades. It was not disputed or sought to be cancelled.

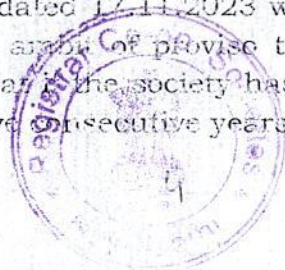


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- (vi) It is asserted that the letter dated 15.09.2023 is prejudicial to her membership alleged to have been rejected based on purported observation of an inspection officer without furnishing her its copy and said letter is nonspeaking, which merely records that her affidavit simply states that share number finds place in the list of 120 members approved by the RCS. Nothing has been mentioned in the affidavit about how the claimant came into possession of the share, neither any document in this regard is available in the society file. REJECTED.
- (vii) It is further asserted that submitted an affidavit stating her name duly reflected in the list of members approved by this office, which by itself conclusively established legality, validity and continuity of membership over two decades.
- (viii) She further submitted to have made multiple representations enclosing all the relevant documents whose copies are annexed. It is further submitted that neither the inspection officer nor the Administrator be admitted had the power or jurisdiction to cancel or reject duly approved membership by RCS. She requested to recall and withdraw letter dated 15.09.2023 rejecting her membership with its restoration by providing opportunity of personal hearing.

Findings

- (a) The assertion of Smt. Rajni Kukreja that her name was approved by this office on 02.08.2002 in list of members of society, whereas approval accorded to a list of 120 left out members of society was with direction to ARCS on 02.07.2002 to confirm facts again before sending letter to DDA, but didn't appear to be confirmed. However, this list was disputed by few members in the complaint dated 20.01.2020 which ultimately led to its inspection on the direction of the Hon'ble High Court in compliance to the judgment dated 08.02.2022 passed by Hon'ble High Court in W.P.(C)No.2373/2022 filed by Col. M.P. Wadhwa & Ors. when it was directed to look into their grievances ventilated in the complaint dated 20.01.2020 and to take a decision wherein it was alleged that a list of left out members of society after allotment of plots was falsely increased originally from 69 to 120 as on 02.08.2002. Hence, the said list cannot be relied upon by Smt. Kukreja who seems to be a purchaser for the consideration for contingent allotment of plots as proposed and sum of Rs.20000 paid by her was a contribution for litigation in this connection for meeting such expenses which fact is noted from interim inspection report as its office bearers were illegally collecting such amounts also from other such persons. It is further noted that no election of the Society due in 2016 was conducted and no audit of its accounts is conducted hence its Managing Committee was illegally operating as per final inspection report dated 17.11.2023 which led to its supersession and also brought it within the ambit of proviso to section 20(5) of the DCS Act, 2003 which clearly says that if the society has not conducted audit or annual general body meeting for five consecutive years such Society shall be deemed to



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have been dissolved and shall cease to exist as corporate body after expiry of five years.

- (b) The membership of Sh. Rajni Kukreja in Society is also hit by its Bylaw 4(i)(a) which mandates that no person shall be its member unless he/she is a duly registered displaced person from the District Dera Ismail Khan, West Pakistan, in Delhi before the prescribed date or having been allotted some permanent accommodation or has place of business in Rajendra Nagar, Karol Bagh, Pahar Ganj, Subzi Mandi and Kingsway Camp. However, Smt. Rajni Kukreja cannot be a displaced person in view of her birth in free India as copy of her affidavit sworn on 09.04.2023 records her age as 56 which she submitted to inspection officer by her letter dated 10.04.2024 wherein she mentioned to have transferred the membership of Society as evident from the copy of the share certificate filed with her petition filed in High Court and with representation dated 22.12.2025 shows as duplicate which she wrongly claimed to be original in paragraph 10.
- (c) Noticeably the share certificate claimed to be issued by Society in the name of Smt. Kukreja is duplicate and is dated 02.10.2002 on national holiday which is after 02.08.2002 when a list of 120 members was approved and forwarded to DDA meaning thereby that when said list was received in this office and forwarded to DDA she wasn't issued a share certificate by Society who filled up its admission form which is dated nil by signing a false declaration No.4 that she is displaced person from Dera Ismail Khan District (N.W.F.P West Pakistan) and duly bonafide registered in India within the prescribed date. Whereas in paragraph 5 of representation she submitted that the clause 4(i)(a) was deleted from Bylaws of the Society and approved by this office on 10.01.1975 whereas this fact isn't mentioned by her in writ petition filed before Hon'ble High Court and appears to be incorrect as said clause also found in its copy filed by her.
- (d) The another submission of Smt. Kukreja made in para 8 of her representation that she fulfilled eligibility criteria in accordance with applicable law and the governing bylaws of the society which was approved in its meeting held in July 2002 on her induction as member in the society whose minutes of 14.07.2020 claimed to be provided to her, filed with representation at pg.22 does not show her name to be approved which records that a list of 120 members awaiting the allotment of plots is required to be verified by the RCS to support the proposal of the Society for revision of layout plan to carve out additional plots which is under consideration of Government and a feasibility report is prepared by DDA. In view thereof a resolution by the Committee was passed for conversion of the school site for 120 residential plots of suitable size which appears to be a ploy for selling out plots which of course includes Smt. Kukreja who was already a resident of this Society as apparent from her application for membership and all the documents as discussed in the inspection report which didn't say in any



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of her previous representation whose copies are filed by her with writ petition of any such minutes. Hence, the same cannot be accepted as true and correct.

- (e) It is for this reason that claim of her membership was rejected by Inspection Officer in the interim report dated 31.07.2023 that except filing an affidavit that her name appears in a list of 120 members approved by the RCS nothing has been mentioned in her affidavit about how she came into possession of the share, neither any document in this regard is available in the society file.
- (f) A copy of receipt of payment of Rs.20000/- by cheque to Society dated 18.06.2019 and is for legal expenses etc. as placed on record is of no help to her which appears to be paid for her contribution to society whose last election due in 2016 was not conducted nor audit of its accounts since then as per the final inspection report dated 17.11.2023.

Conclusion

In view of the above findings which are based on the material on record and the legal position on the subject with Bylaws of the Society, I am of the considered opinion that Smt. Rajni Kukreja's membership in Dera Ismail Khan Building Housing Society Ltd. is not found genuine and as such its rejection by inspection officer in interim report dated 31.07.2023 calls no interference by this office. Hence, the representation dated 22.12.2025 as submitted is hereby rejected.

It is ordered accordingly.



(Handwritten signature)
(KRISHNA KUMAR SINGH, IAS)
REGISTRAR COOPERATIVE SOCIETIES

Copy to:

1. Sh. Rajender Babu Shukla, (Administrator-cum-R.O.), Dera Ismail Khan CHBS Ltd., Derawal Nagar, Delhi-110009.
2. Smt. Rajni Kukreja, R/o House No. A-209, Derawal Nagar, Delhi-110009.
3. IT Cell
4. AR (Cell-2)