

GOVT. OF NATIONAL CAPITAL TERRITORY DELHI
IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001

F.No.47/GH/AR/ Sec-I/F.C/RCS/2023/3058-62

Dated 3/9/20

ORDER

This order shall dispose of the proceedings initiated in compliance with the order dated 28.03.2023 in case No. 54/2016 passed by the Ld. Financial Commissioner.

Background of the Case:

The Petitioner was inducted as a member of the Roopvilla Co-operative Group Housing Society Ltd. since 2006. There were certain allegations against the then President, Mr. V.K. Gupta of having recorded certain false minutes of the General Body Meeting. It was alleged that the Petitioner was cooperating with Mr. V.K. Gupta, which led to issuance of the following Show Cause Notices (SCN) dated 16th February, 2011, 11th July, 2011, 1st August, 2011 and the final SCN on 11th November, 2011. Finally, the Society expelled the Petitioner from the membership of the Society.

The expulsion order was forwarded by the Society to the Registrar Cooperative Societies (hereinafter, 'RCS'). The Registrar rejected the expulsion order which was challenged by way of a writ petition being W.P.(C) 5965/2012 titled 'Roopvilla Cooperative GH Society Ltd. vs. Lt. Governor, Delhi And Ors'. The Court in the said case had remanded the matter back vide order dated 21st August, 2012 for being decided afresh. The Petitioner's grievance is that there was no allegation against him and the main allegation was only against Mr. V.K. Gupta. The RCS however approved expulsion of the Petitioner on 30th August, 2013. The operative portion of the said order reads as under:-

"In view of the discussion made above, I find no reasons to interfere with the proposal of the society as there were sufficient grounds available with the society to proceed against the said members under Section 86 of the DCS Act and respondents (affected parties) have failed to rebut the charges leveled against them in the Show Cause Notice and later during further proceedings. In the facts and circumstances of the case, the proposal of the Society for expulsion of Sh. Vinod Kumar Gupta (Membership No. 1) and Sh. Ankit Saxena (Membership No. 282) from the membership of the society is accepted.

I, therefore, approve expulsion of Sh. Vinod Kumar Gupta (Membership No. 1) and Sh. Ankit Saxena (Membership No. 282) from the membership of Roop Villa CGHS Ltd., under Rule 99 of the DCS Rules, 2007."

A review was preferred in respect of said order which then led to passing of the order dated 16th December, 2015 by the RCS. The operative portion of the said order reads as under:-



"I have carefully considered the averments of the parties and have also gone through the order dated 30.8.2013. The Ld pre-decessor in the order dated 30.8.2013 have incorporated the minutes of the MC of the society by virtue of which the applicant was expelled from the membership of the society. A perusal of the said minutes indicates that the centre point was Mr. Vinod Kumar Gupta. All allegations have been leveled against Sh. Vinod Kumar Gupta with regard to unauthorized issuance of advertisement and then filling up the vacancies, forging documents of society and issuing share certificates. The minutes also records the prosecution of Sh. Vinod Kumar Gupta and falsification of minutes of GBM and misusing them. The minutes merely records that he in collusion with other three members including the applicant illegally used the minutes to change the signatory of the society bank account. There is no other direct allegation against the applicant except showing him in collusion with Sh. Vinod Kumar Gupta. What was the collusion done by the applicant have not been placed on record. The law requires that the allegation must be proved and not merely stated. There has to be a specific illegal act which has been done by the member so as to say that he committed an act which so grave that being a member would be detrimental to the interest of the society. In the entire minutes there is nothing to show against the applicant which could lead to a conclusion that he in fact committed an act so grave that his membership has to go. My Ld pre-decessor failed to appreciate this aspect of the minutes that apart from using the word collusion there is nothing in the minutes that shows that the illegal act was committed by the applicant. Reliance has been placed by my pre-decessor on the misuse of the GBM minutes dated 6.6.2010. The society in its reply had categorically admitted that the minutes were falsified by Sh. Vinod Kumar Gupta wherein no decision was taken to co-opt the applicant. Thus the minutes were not falsified by the applicant but by Sh. Vinod Kumar Gupta, as the applicant was nowhere in picture when the alleged falsification of minutes had taken place. It was only Sh. Vinod Kumar Gupta who was responsible for the falsification as can be easily seen from the minutes so recorded by the MC in its meeting, which forms part of the order dated 30.8.2013.

In order to expel a member, the society has to fulfill the provision of Section 86 of DCS Act, 2003 which under: reads as 86. (1) Notwithstanding anything contained in this Act and the rules framed thereunder, the committee of a co-operative housing society may, by a resolution, expel a member on any one or more of the following grounds, namely -

(a) if he has been a persistent defaulter in respect of any dues of the co-operative housing society; or (b) if he has willfully deceived the co-operative housing society by making any false statement or submitting any false document to obtain the membership of such co-operative society; or (c) if he has brought disrepute to the co-operative society or has done any other act detrimental to the interest and proper working of the co-operative society:

It is only within the four corner of above section that the society can expel a member. However in the present case, the applicant is neither a defaulter nor obtained the membership by false means nor has brought any disrepute to the society or done any act which is detrimental to proper working of the society. If any illegal act was done



by him, the society ought to have taken the matter to the investigating agency to find out the truth first but that has not been done by the society and have assumed itself as power of investigator and of a judge. If such a practice is allowed, then it would be against the principles of natural justice. There has to be a finding from a competent court of law that the applicant was infact in collusion with Sh. Vinod Kumar Gupta in illegal activities as alleged by the society in its minutes and only then his membership can be terminated, that too as per the Law and not otherwise.

With these observations, I hereby recall the order dated 30.8.2013 and reject the expulsion proposal submitted the society vide letter dated 20.11.2011."

Thus, in the review application the expulsion was recalled.

The said review order dated 16th December, 2015 was challenged by the Society, before the Financial Commissioner who came to the conclusion that in order for the RCS to have reviewed its own order, there ought to have been an error apparent on the face of the record, which it did not find. Thus, the Financial Commissioner again remanded the matter for fresh decision to the RCS. The relevant portion of the impugned order which was passed by the Financial Commissioner on 28th March, 2023 reads as under:-

"10. The power of review is very limited and the Court does not rehear the case at hand. The purpose of a review petition is limited to remedying an apparent error or for correction of a mistake. Clearly the scope of review does not allow any court to sit on judgment over its own orders and in the present case, the RCS has clearly done so. On this ground, the order of RCS dated 16.12.2015 cannot be supported and is accordingly set aside.

11. In the light of the above rulings of the Hon'ble Apex Court, the matter is remanded back to RCS to dispose of the review petition within the limitation cast by the law which in a nutshell is also referred above. The RCS is directed to hear all the parties and decide the review application within three months. The RCS will be at liberty to allow the review application to be agitated before the appropriate forum in appeal/revision as the case may be, if it appears to the RCS to be legally and just way.

12. With these directions, the matter is remanded back impart justice. to the RCS and the revision petition No.54/2016 titled Roopvilla CGHS Vs. RCS & Anr. is disposed of. No order as to costs."

In the meanwhile respondent filed another writ petition W.P. (C) 10078/2025 against the remanded order of the F.C Court. However, the Hon'ble High Court vide order dated 17.07.2025, operative Para as under:

10. The short issue that arises in this entire matter which has now been pending for whatever reason, for the last more than 13 years, is whether the Petitioner had any role to play in the alleged false minutes of the GBM held June, 2010 or not. The RCS would have to also generally examine if there are any allegations serious enough for the Petitioner for being expelled from membership. This issue ought to be adjudicated expeditiously. The matter has been remanded back once by this Court and once by the



Financial Commissioner. Accordingly, it is made clear that no unnecessary adjournments shall be granted by the RCS.

11. Let the RCS take a final call in this matter within a period of two months from 29th August, 2025.

12. Needless to add, this Court has not considered the merits of the matter.

All rights and contentions of the parties are left open.

13. The writ petition is disposed of in the aforesaid terms. Pending applications, if any, are also disposed of.

The submissions of the respondent Mr. Ankit Saxena:-

1. That the respondent submitted that the entire expulsion proceedings arose primarily out of allegations made against the then President of the Society, Sh. V.K. Gupta, concerning alleged falsification of the minutes of the General Body Meeting dated 06.06.2010. According to the respondent, there was no independent or specific allegation against him and he was sought to be implicated merely on the allegation that he was acting in collusion with Sh. V.K. Gupta.
2. That the respondent submitted that the Society issued the first Show Cause Notice dated 16.02.2011 under Section 86 of the Delhi Cooperative Societies Act, 2003 read with Rule 99 of the Delhi Cooperative Societies Rules, 2007; however, the said notice was never served upon him and was admittedly received back unserved. He relied upon the subsequent notice dated 11.07.2011, wherein the Society itself acknowledged that the notice dated 16.02.2011 had been received back unserved and stated that, upon receipt of the records, the notice was being sent to his new address. Accordingly, the respondent contended that the notice dated 11.07.2011 could legally be treated only as the first effective notice and not as the second notice contemplated under Rule 99.
3. That the respondent further submitted that the notice dated 01.08.2011 was issued before expiry of thirty days from the notice dated 11.07.2011 and was therefore contrary to Rule 99, which requires an interval of thirty days between the notices. Accordingly, he contended that the notice dated 01.08.2011 could not legally be treated as the second or third notice under the said Rule.
4. That the respondent further submitted that the Society thereafter issued the final Show Cause Notice dated 11.11.2011 and, since the notice dated 01.08.2011 was invalid for want of the prescribed thirty-day interval, the notice dated 11.11.2011 could at best be treated as the second effective notice. Accordingly, he contended that the mandatory requirement of service of three valid notices under Section 86 read with Rule 99 had not been fulfilled.
5. That the respondent submitted that the Managing Committee considered his expulsion in its meeting dated 27.11.2011, i.e. within approximately sixteen days of the notice dated 11.11.2011, whereas Rule 99 requires expiry of thirty days after the final notice before consideration of the reply and passing of the expulsion resolution. He therefore contended that the meeting dated 27.11.2011 and the resolution passed therein were premature and consequently vitiated. He further submitted that the said resolution



contained only general and vague allegations that he had colluded with Sh. V.K. Gupta in forging and fabricating the minutes of the GBM dated 06.06.2010 and had used the said minutes for changing the signatories of the Society's bank account, without specifying his individual role in the alleged acts.

6. That the respondent contended that the Society had failed to identify any specific act personally committed by him, the manner in which the minutes were allegedly fabricated, the signatures allegedly misused by him, or any particular financial or other benefit obtained by him. He submitted that a mere allegation that he had acted "in collusion" with Sh. V.K. Gupta was insufficient to establish misconduct under Section 86(1)(c) of the Act.
7. That the respondent submitted that the Society had also alleged similar involvement of Sh. Raman Chhabra and Ms. Manju Shripal; however, their apologies were accepted and the expulsion proceedings against them were dropped. He therefore contended that the Society had treated similarly situated members differently without disclosing any lawful basis for such differential treatment.
8. That the respondent further submitted that the supporting documents relating to the alleged falsification of minutes and other allegations were not furnished to him along with the notices, though Rule 99 requires the expulsion proposal to contain full particulars of the grounds along with supporting documents. He therefore contended that non-supply of such documents deprived him of an effective opportunity to defend himself.
9. That the respondent denied having forged or fabricated the minutes of the GBM dated 06.06.2010 or having any role in fabrication of the Society's records. He further denied misusing any Society record or committing any act with an intention to defraud the Society or its members. He submitted that the allegation regarding change of bank signatories was also misconceived, as the change was made in the ordinary course of the Society's functioning and there was no allegation or proof that he had withdrawn or misappropriated any amount from the Society's bank account.
10. That the respondent submitted that the principal allegations in the original proceedings were against Sh. V.K. Gupta and that the Society had merely extended those allegations to him without establishing his independent involvement. He relied upon the RCS review order dated 16.12.2015, wherein it was observed that the allegations primarily centred on Sh. V.K. Gupta and that there was no specific material demonstrating any particular act of collusion attributable to the respondent.
11. That according to the respondent, the earlier review order correctly appreciated the record and rightly held that the mere use of the word "collusion", without specifying any particular act committed by him, could not justify his expulsion from membership. The respondent further submitted that Section 86 permits expulsion only on the grounds specifically prescribed therein, including where a member has brought disrepute to the Society or has committed an act detrimental to the interest and proper working of the Society, and that none of the statutory grounds was established against him, as he was neither a persistent defaulter, nor had obtained membership by making any false statement or submitting any false document, nor had committed any specific act detrimental to the Society.

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12. That the respondent further contended that there was no finding or conviction by any competent criminal court against him in respect of the alleged forgery, fabrication of minutes, cheating or any other criminal offence. According to the respondent, if the Society believed that he had committed any such offence, it ought to have approached the competent investigating agency and pursued the matter in accordance with law, rather than itself treating him as guilty. He submitted that the Society could not simultaneously assume the role of investigator, prosecutor and adjudicator and expel him on the basis of unsubstantiated criminal allegations. He further submitted that although the absence of a criminal conviction did not, by itself, conclusively determine the issue of his membership, it demonstrated that the allegations of criminal conduct levelled against him had never been established in accordance with law.
13. That the respondent relied upon Section 115 of the Act and submitted that the Registrar had jurisdiction to review the order dated 30.08.2013 on account of errors apparent on the face of the record. According to him, such errors included non-service and defective timing of the statutory notices, failure to supply supporting documents, absence of specific allegations or proof of his individual role in the alleged fabrication or use of false minutes, failure to establish any benefit derived by him or conduct detrimental to the Society, and differential treatment vis-à-vis other members. He submitted that these defects were apparent from the record and therefore fell within the permissible scope of review under Section 115 of the Act.
14. That the respondent further submitted that the order dated 28.03.2023 passed by the Ld. Financial Commissioner only held that the earlier review order had exceeded the permissible scope of review and did not adjudicate the merits of his defence. He further submitted that the subsequent order dated 17.07.2025 passed by the Hon'ble High Court also did not decide the merits and expressly left all rights and contentions of the parties open.
15. That the respondent therefore submitted that he was entitled to raise all legally permissible grounds in the remanded review proceedings. He further submitted that the Hon'ble High Court specifically directed the RCS to examine his actual role in the alleged false minutes of the GBM dated 06.06.2010 and whether the allegations against him were sufficiently serious to justify his expulsion, and therefore the RCS was required to independently examine his role rather than merely rely upon the conclusion recorded in the original order dated 30.08.2013.
16. That the respondent submitted that he had no role whatsoever in preparation or falsification of the minutes dated 06.06.2010 and that the allegations against him were merely derivative of the allegations against Sh. V.K. Gupta.
17. That the respondent further submitted that his membership had been wrongly terminated, causing serious prejudice and deprivation of his rights in the Society. He therefore prayed that the review application be allowed, the order dated 30.08.2013 approving his expulsion be reviewed/recalled, the expulsion proposal of the Society be rejected, and the Society be directed to restore his membership and take consequential action regarding his house/flat in accordance with law.

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SUBMISSIONS OF ROOPVILLA COOPERATIVE GROUP HOUSING SOCIETY LTD.

1. That the Society opposed the review application and submitted that the present proceedings are confined to the limited jurisdiction under Section 115 of the DCS Act, 2003, and cannot be converted into an appeal for reappreciation of the evidence and findings recorded in the order dated 30.08.2013.
2. That the Society submitted that the Ld. Financial Commissioner, vide order dated 28.03.2023, had specifically held that the earlier review order dated 16.12.2015 exceeded the permissible scope of review by effectively rehearing the matter. Therefore, the present proceedings must remain within the parameters of Section 115.
3. That the Society submitted that the original order dated 30.08.2013 was passed after consideration of the expulsion proposal, material on record and replies of the affected members, and that the respondent had been afforded sufficient opportunity to defend himself.
4. That the Society denied that the allegations were confined to Sh. V.K. Gupta and submitted that specific allegations were made against the respondent regarding his association with and participation in the alleged preparation and use of the disputed minutes of the GBM dated 06.06.2010.
5. That according to the Society, the respondent was serving as Vice-President/office bearer during the relevant period and was aware of the affairs of the Society. He allegedly supported Sh. V.K. Gupta in the preparation and use of the disputed minutes, which were subsequently used for changing the authorised signatories of the Society's bank account and for taking consequential action concerning the Society's Architect.
6. That the Society further submitted that the respondent and Sh. V.K. Gupta resisted the efforts of the newly elected Managing Committee to obtain the Society's records and also made complaints to the police concerning its functioning, thereby obstructing the subsequent administration of the Society.
7. That the Society submitted that these circumstances demonstrated that the respondent was not merely a passive member but had actively supported and participated in conduct detrimental to the Society, attracting the provisions of Section 86(1)(c) of the DCS Act, 2003.
8. That with regard to the notices, the Society submitted that the relevant notices were dated 16.02.2011, 25.06.2011 and 01.08.2011 and were issued after the prescribed intervals. According to the Society, the notice dated 11.07.2011 relied upon by the respondent was an additional communication and did not displace the three statutory notices.
9. That the Society further submitted that the first notice dated 16.02.2011 could not be treated as invalid merely because it was initially returned unserved, as the respondent had changed his address without informing the Society. Subsequent notices were issued at his correct address and were duly received by him, as evidenced by his reply dated 20.07.2011.
10. That according to the Society, the respondent did not contemporaneously object to the notice period, denial of documents or insufficiency of opportunity and therefore



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these objections were raised belatedly and could not now be used to reopen the concluded proceedings.

11. That with regard to the notice dated 11.11.2011, the Society submitted that it was issued only for personal hearing before the Managing Committee and was not one of the three notices contemplated under Rule 99. Therefore, the meeting dated 27.11.2011 could not be treated as invalid merely because it was held within thirty days of the said hearing notice.
12. That the Society further submitted that the respondent had not identified any specific document whose non-supply had caused prejudice to his defence. According to the Society, he was fully aware of the allegations concerning the disputed minutes, bank signatories and other acts and had duly responded to them.
13. That the Society denied that there were no specific allegations against the respondent and submitted that the expulsion resolution specifically attributed to him association with and participation in the alleged manipulation and use of Society records.
14. That the Society submitted that Section 86(1)(c) does not require proof of personal financial gain and that an act detrimental to the interest and proper working of the Society is sufficient. The alleged use of disputed minutes for changing bank signatories and affecting the Society's Architect was, according to the Society, sufficiently serious and detrimental to the Society's interests.
15. That regarding Sh. Raman Chhabra and Ms. Manju Shripal, the Society submitted that their cases were distinguishable, as they had admitted signing blank papers in good faith, tendered apologies and subsequently disassociated themselves from the alleged acts, unlike the respondent. The allegation of discriminatory treatment was therefore denied.
16. That the Society further submitted that expulsion under Section 86 is an independent statutory proceeding and does not require a prior criminal conviction. According to the Society, the Registrar is competent to examine the conduct of a member on the basis of the material available in the expulsion proceedings.
17. That with regard to the order dated 16.12.2015, the Society submitted that the same had already been set aside by the Ld. Financial Commissioner vide order dated 28.03.2023, who held that the Registrar had exceeded the permissible scope of review.
18. That the Society relied upon the settled principle that review is not an appeal in disguise and submitted that the respondent's grounds concerning notices, documents, allegations, role of other members and sufficiency of evidence require detailed appreciation of the record and therefore do not constitute an error apparent on the face of the record under Section 115.
19. That the Society further submitted that the respondent had participated in the original proceedings and had been afforded adequate opportunities to submit his replies and defence. He could not, after a considerable lapse of time, raise procedural objections which were not pressed at the relevant stage.
20. That according to the Society, the Hon'ble High Court's order dated 17.07.2025 did not confer appellate jurisdiction upon the RCS or direct a fresh adjudication of the



entire expulsion proceedings. The remand, according to the Society, could not enlarge the limited statutory scope of review under Section 115.

21. That the Society further submitted that the respondent's role in the disputed minutes had already been considered in the original order dated 30.08.2013 and that his present denial merely seeks reappreciation of the evidence, which is impermissible in review proceedings.
22. That the Society submitted that the allegations concerning falsification or use of Society records, alteration of bank signatories and interference with the functioning and management of the Society were sufficiently serious to attract Section 86(1)(c) of the DCS Act, 2003.
23. That the Society further submitted that the original order dated 30.08.2013 was a reasoned order passed after consideration of the material on record and did not suffer from any patent or manifest error apparent on the face of the record.
24. That the Society therefore submitted that the respondent's reliance upon the earlier review order dated 16.12.2015 was misplaced, as the said order had already been set aside by the Ld. Financial Commissioner, and the respondent could not seek restoration of findings recorded therein without establishing a valid ground of review.
25. That the Society accordingly submitted that the review application was devoid of merit and liable to be rejected, and prayed that the order dated 30.08.2013 approving the expulsion of Sh. Ankit Saxena under Section 86 of the DCS Act, 2003 read with Rule 99 of the DCS Rules, 2007 be upheld.
26. That the Society further prayed that the review application be dismissed, the proceedings be brought to an end in accordance with law, and consequential directions, if any, be issued for maintenance and updation of the Society's records in accordance with the final decision of the RCS and the applicable statutory provisions.

Findings

I have carefully considered the submissions of the parties and examined the record in light of the orders dated 28.03.2023 passed by the Ld. Financial Commissioner and 17.07.2025 passed by the Hon'ble High Court of Delhi.

The first and foremost issue is whether the respondent's expulsion was supported by specific and reliable material establishing his individual involvement in conduct falling within Section 86(1)(c) of the Act. Section 86 confers a serious power upon a cooperative housing society to expel a member, and such power can be exercised only when the conduct of the particular member is brought within one or more of the statutory grounds. Mere association with another person, suspicion or a general allegation of collusion cannot, by itself, constitute sufficient basis for terminating a member's membership.

In the present case, the principal allegation concerning the disputed minutes dated 06.06.2010 was directed against Sh. V.K. Gupta. The record does not disclose any clear and



specific act of preparation, fabrication, alteration or signing of the disputed minutes attributable personally to Sh. Ankit Saxena. The Society has relied primarily upon the allegation that he was acting "in collusion" with Sh. V.K. Gupta. However, the precise act constituting such alleged collusion has not been satisfactorily identified.

The earlier Registrar, while passing the order dated 16.12.2015, had specifically examined this aspect and recorded that the centre point of the allegations was Sh. V.K. Gupta and that there was no direct allegation against the respondent apart from the assertion of collusion. The said observation is also consistent with the nature of the allegations emerging from the record. Although the said review order was subsequently set aside on the issue of the scope of review, the factual material considered therein remains relevant for determining whether the original order dated 30.08.2013 was supported by sufficient material.

The Society has alleged that the disputed minutes were used for changing the authorised signatories of the Society's bank account. However, no material has been demonstrated which establishes that the respondent himself fabricated the minutes, instructed their fabrication, signed or authenticated the disputed minutes, operated the Society's bank account pursuant to the alleged false minutes, or derived any personal benefit from the alleged change in signatories. The mere fact that a person may have been associated with an office bearer against whom serious allegations were made cannot automatically establish his individual liability for those acts.

The allegation of "collusion" must have some identifiable factual foundation. In the present case, the Society has not been able to demonstrate any specific overt act of the respondent which, independently or cumulatively with other material, establishes that he participated in the alleged fabrication or fraudulent use of the minutes. In the absence of such material, the conclusion that the respondent committed an act detrimental to the Society cannot safely be sustained merely on inference.

The Hon'ble High Court, vide order dated 17.07.2025, specifically required examination of whether the respondent had any role in the alleged false minutes. Upon such examination, no cogent material has been brought on record demonstrating that the respondent was involved in preparation or falsification of the minutes dated 06.06.2010. The allegation against him remains substantially derivative of the allegations against Sh. V.K. Gupta.

The procedural objections raised by the respondent also required consideration. The record shows that the first notice dated 16.02.2011 was returned unserved. The subsequent communication dated 11.07.2011 itself referred to the earlier notice having been received back unserved and indicated that the notice was thereafter being sent to the respondent's new address. In these circumstances, the respondent's contention that the notice dated 11.07.2011 constituted the first effective notice cannot be said to be without substance.



Further, the notice dated 01.08.2011 was issued within thirty days of 11.07.2011. If the communication dated 11.07.2011 is treated as the first effective statutory notice, the subsequent notice dated 01.08.2011 could not constitute a valid second notice under the prescribed interval contemplated by Rule 99. The subsequent notice dated 11.11.2011 would, on that basis, also not complete the requirement of three valid notices. Thus, the statutory sequence of notices itself suffers from a material procedural defect.

The fact that the respondent participated in the proceedings does not automatically cure a mandatory statutory requirement relating to the procedure for expulsion. Where the statute and rules prescribe a particular procedure for exercising the power of expulsion, substantial compliance with the prescribed safeguards is required, particularly because expulsion results in deprivation of an existing membership right.

The timing of the Managing Committee meeting dated 27.11.2011 also assumes significance. If the notice dated 11.11.2011 is treated as the final statutory notice, the Managing Committee considered the expulsion proposal within approximately sixteen days thereof. The Society's contention that the notice dated 11.11.2011 was merely a hearing notice does not satisfactorily resolve the procedural deficiency arising from the earlier sequence of notices. In the absence of clear proof of compliance with the mandatory procedure, the expulsion resolution cannot be sustained merely on the basis of subsequent participation of the respondent.

The respondent has also raised the issue of non-supply of supporting documents. Although the respondent was aware of the broad allegations, the right to effectively defend a proposed expulsion necessarily includes knowledge of the material relied upon against the member. The Society has not satisfactorily demonstrated that all relevant supporting material forming the basis of the expulsion proposal was furnished to the respondent before the Managing Committee took the final decision. This assumes significance when the allegations themselves concern disputed documents and alleged manipulation of Society records.

Section 86(1)(c) cannot be invoked merely because a member was associated with an office bearer against whom allegations were made. There must be a demonstrable nexus between the conduct of the concerned member and the alleged prejudice to the Society. In the present case, such nexus has not been established with sufficient clarity.

The absence of any criminal conviction is not, by itself, decisive because the proceedings under Section 86 are independent of criminal proceedings. Nevertheless, where the allegation of misconduct is substantially founded upon alleged forgery, fabrication and fraudulent use of documents, and no independent material establishing the respondent's participation in such acts is available, the absence of corroborative material assumes significance in determining whether the statutory ground for expulsion has actually been made out.



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The Society's reliance upon the dropping of proceedings against Sh. Raman Chhabra and Ms. Manju Shripal also cannot be completely disregarded. While the Society may distinguish their cases on the basis of apologies or other circumstances, the fact remains that the respondent has been subjected to the extreme consequence of expulsion on allegations which, in the material presently available, have not been established against him with the requisite specificity.

It is also material that the original order dated 30.08.2013 proceeded on the broad conclusion that sufficient grounds existed to expel the respondent, but did not sufficiently identify the precise individual act committed by him which constituted conduct detrimental to the Society within the meaning of Section 86(1)(c). In a matter involving termination of membership, such a conclusion must be supported by a clear factual nexus between the alleged misconduct and the individual member.

Thus, upon an overall consideration of the record, I find that the case against Sh. Ankit Saxena rests substantially upon an allegation of association or collusion with Sh. V.K. Gupta, without sufficient identification or proof of any particular act personally committed by him in relation to the falsification or fraudulent use of the minutes dated 06.06.2010. The Society has not produced sufficient material establishing that the respondent himself fabricated the minutes, caused them to be fabricated, knowingly used a false document for an unlawful purpose, or derived any benefit therefrom.

In these circumstances, the allegations against the respondent cannot be held to satisfy the statutory threshold required for expulsion under Section 86(1)(c) of the Act. The procedural deficiencies in the issuance and sequence of notices under Rule 99 further reinforce the conclusion that the expulsion proceedings cannot be sustained.

Conclusion

In view of the foregoing discussion and findings, and upon fresh consideration of the matter in compliance with the order dated 28.03.2023 passed by the Ld. Financial Commissioner in Revision Petition No. 54/2016, as well as in view of the directions contained in the order dated 17.07.2025 passed by the Hon'ble High Court of Delhi in W.P.(C) No. 10078/2025, I am of the considered view that the allegations against Sh. Ankit Saxena have not been established by sufficient, specific and cogent material so as to sustain his expulsion from the membership of Roopvilla Cooperative Group Housing Society Ltd.

The principal allegation against the respondent relates to his alleged role in the falsification and subsequent use of the minutes of the GBM dated 06.06.2010. However, upon examination of the material available on record, no specific overt act has been established as having been committed by Sh. Ankit Saxena in the preparation, fabrication, alteration or use of the said minutes. The allegation that he acted in "collusion" with Sh. V.K. Gupta, without establishing the precise nature of such collusion or identifying any particular act attributable to the respondent, cannot, by itself, constitute sufficient basis for holding that



he committed an act detrimental to the interest and proper working of the Society within the meaning of Section 86(1)(c) of the Delhi Cooperative Societies Act, 2003.

Consequently, the expulsion proposal submitted by the Society against Sh. Ankit Saxena is hereby rejected. The Society shall restore the membership of Sh. Ankit Saxena, Membership No. 282, in its records, subject to his fulfilling the other statutory requirements applicable to membership.

The Society shall take all consequential action in its membership register and other relevant records in accordance with the Delhi Cooperative Societies Act, 2003, the Delhi Cooperative Societies Rules, 2007 and its registered bye-laws. If any consequential action concerning allotment, shareholding, house/flat or other membership-related rights is required, the same shall be dealt with in accordance with law and the Society's records.

The Society shall submit a compliance report to the office of the Registrar Cooperative Societies within 15 days from the date of receipt of this order.

The proceedings are accordingly disposed of.




Krishna Kumar Singh
Registrar Cooperative Societies

Sent to:

1. President/Secretary, Roopvita CGHS Ltd., Plot No. 2, Sector-19 B, Dwarka, New Delhi-110077
2. Ankit Saxena, R/o Flat No. F-10, Brahma Apptt. , plot no. 7, Sector-7, dwarka, New Delhi- 110077
3. DRCS (IT), O/o RCS
4. DRCS, Section -6, O/o RCS
5. Guard File