

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/RCS/ARCS-02/2023/3390-94

Dated: 28/10/2024

Order

This order shall dispose of the proceedings initiated vide impleadment dated 23.09.2025, by the Society under Sections 87 and 41 of the Delhi Cooperative Societies Act, 2003, seeking cessation of the memberships of Ms. Anju Rani Mangla, in Canara Group Co-operative Group Housing Society Ltd., Plot No. 16, Sector-13, Rohini, New Delhi-110085.

Brief facts of the case

A petition was received from Sh. Rajeev Parashar, Member and owner of Flat No. 90, Canara Apartment, Sector-13, Rohini, Delhi-110085, under Section 87 of the Delhi Cooperative Societies Act, 2003, against certain members of the Society. During the pendency of the proceedings, an application dated 23.09.2025 was filed by the learned Advocate appearing on behalf of the Society and the respondents under Order I Rule 10 of the Code of Civil Procedure, seeking impleadment of Ms. Anju Rani Mangla as a party to the present proceedings on the ground of her holding multiple memberships in the Society. The said application was allowed, and Ms. Anju Rani Mangla was accordingly impleaded as a party to the proceedings.

It has been stated that Ms. Anju Rani Mangla holds memberships in respect of Flat Nos. 40, 226 and 231, bearing Membership Nos. 62, 129 and 372, respectively, in Canara Group Co-operative Group Housing Society Ltd., Plot No. 16, Sector-13, Rohini, New Delhi-110085. It has been alleged that the aforesaid multiple memberships are in contravention of Sections 41 and 87 of the Delhi Cooperative Societies Act, 2003, read with the applicable provisions of the Delhi Cooperative Societies Rules, 2007. Accordingly, the present proceedings concern the examination of the legality of the aforesaid memberships and the consequential action, if any, warranted under the applicable statutory provisions.

SUBMISSIONS OF THE RESPONDENTS

1. That the respondent has submitted that she was not originally arrayed as a party to the petition filed by the petitioner. She has opposed her impleadment at the instance of Respondent No. 1 under Order I Rule 10 of the Code of Civil Procedure (CPC), contending that the same is misconceived and legally unsustainable.
2. That the respondent has contended that the proceedings before the Registrar of Cooperative Societies are governed by the Delhi Cooperative Societies Act, 2003, and the Rules framed thereunder, and that the provisions of the CPC cannot be invoked as a matter of right in such statutory proceedings.



3. That the respondent has further submitted that the Registrar, being a quasi-judicial authority, cannot exercise unrestricted powers of a civil court under the CPC. She has contended that neither the DCS Act, 2003, nor the DCS Rules, 2007, confers upon the Registrar powers analogous to those under Order I Rule 10 CPC, except to the extent permissible under the applicable statutory framework.
4. That the respondent has submitted that impleadment of a person is justified only where such person's presence is necessary for the effective and complete adjudication of the dispute. She has contended that the impleadment application does not establish any such necessity and has prayed for its dismissal with costs.
5. That the respondent has referred to Section 90 of the DCS Act, 2003, and submitted that the Society is required to maintain proper records relating to the ownership and membership of flats. She has alleged that the failure of the Society to maintain and produce complete membership records raises concerns regarding transparency in the administration of memberships.
6. That the respondent, Ms. Anju Rani Mangla, has stated that she is the owner of Flat Nos. 226, 36 and 231 in the Society. She has further submitted that no dues are outstanding against any of the aforesaid flats as on date.
7. That the respondent has submitted that she has exercised only one voting right and has never derived any undue benefit from holding memberships in respect of the aforesaid flats.
8. That the respondent has claimed that she was unaware of the provisions of the DCS Act, 2003, and the Rules framed thereunder concerning membership restrictions. She has stated that, after purchasing each flat, she applied for membership of the Society under the bona fide belief that such membership was necessary.
9. That the respondent has prayed that the impleadment application moved at the instance of Respondent No. 1 be rejected and dismissed and that her memberships not be cancelled, terminated or otherwise interfered with.
10. That the respondent has further prayed that Respondent No. 1 be directed to place on record the complete and updated membership details of all flats and members of the Society, along with such other or further directions as may be deemed fit and proper by the competent authority.

FINDINGS AND OBSERVATIONS

I have carefully considered the impleadment application dated 23.09.2025, the reply and submissions filed by the respondent, Ms. Anju Rani Mangla, and the material available on record. The issue for determination is whether the respondent's holding of memberships in respect of Flat Nos. 40, 226 and 231, bearing Membership Nos. 62, 129 and 372, respectively, in Canara Group Co-operative Group Housing Society Ltd., is permissible under the Delhi Cooperative Societies Act, 2003, and the Rules framed thereunder.

The respondent has primarily challenged her impleadment on the ground that the proceedings before the Registrar are governed by the DCS Act, 2003, and the Rules framed thereunder, and that the provisions of Order I Rule 10 of the Code of Civil Procedure cannot be invoked as a matter of right. However, the respondent was impleaded pursuant to the order passed on the application dated 23.09.2025. The present proceedings are, therefore,



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confined to examining the legality of the memberships attributed to her and the consequential action warranted under the applicable statutory provisions.

The respondent has admitted that she owns Flat Nos. 226, 36 and 231 in the Society and has stated that she applied for membership in respect of each flat under the bona fide belief that such membership was necessary after purchase. She has further submitted that no dues are outstanding against the flats, that she has exercised only one voting right and that she has not derived any undue benefit from holding the three memberships.

However, the respondent has not placed on record sufficient documentary material to establish that the grant and continuation of all three memberships are permissible under the applicable statutory provisions. Her assertions regarding bona fide belief, payment of dues and exercise of only one voting right do not, by themselves, establish the legality of the multiple memberships. Compliance with financial obligations or non-exercise of additional voting rights cannot substitute for compliance with the statutory requirements governing membership in a cooperative housing society.

The respondent has also relied upon the alleged failure of the Society to maintain and produce complete membership records and has sought a direction for disclosure of the membership particulars of all members. However, any deficiency in the maintenance of records by the Society does not, by itself, determine the legality of the respondent's own memberships. The respondent's case is required to be examined independently on the basis of the applicable law and the evidence available on record.

The respondent's plea of lack of awareness of the relevant provisions of the DCS Act, 2003, and the Rules framed thereunder also does not, by itself, constitute a justification for continuing memberships that may be contrary to the applicable statutory requirements. The decisive consideration is whether the memberships in question are legally permissible and whether the material on record establishes a violation warranting consequential action.

Accordingly, the respondent's defence cannot be accepted merely on the basis of her assertions regarding bona fide belief, payment of dues and exercise of a single voting right. Nevertheless, any direction for cessation must be supported by a finding that the specific memberships violate the applicable statutory provisions, and the particular membership liable to cessation must be identified on the basis of the relevant record.

CONCLUSION

In view of the foregoing discussion, it is observed that Ms. Anju Rani Mangla holds memberships in respect of Flat Nos. 40, 226 and 231, bearing Membership Nos. 62, 129 and 372 in Canara cooperative group housing society. Although the respondents have claimed that the respective flats were purchased from their independent sources of income, they have failed to submit supporting documentary evidence to establish their claims. Their defence, therefore, remains unsubstantiated.

Accordingly, the first membership obtained by Ms. Anju Rani Mangla is held to be valid and permissible under the provisions of the Delhi Co-operative Societies Act, 2003. Consequently, all subsequent memberships acquired by her are hereby declared



impermissible and stand ceased under Sections 41 and 87 of the Delhi Co-operative Societies Act, 2003.

The Society is directed to take consequential action in its membership records in accordance with law and submit a compliance report within 15 days from the date of receipt of this order. No separate order for cessation of his membership is called for in the present proceedings.

The Society is further directed to ensure that its membership records are properly maintained and that all future admissions, transfers and grant of membership are made strictly in accordance with the provisions of the DCS Act, 2003, the DCS Rules, 2007 and the registered bye-laws of the Society.

The proceedings are accordingly disposed of.



AK
Krishna Kumar Singh (IAS)
Registrar Cooperative Societies

Sent To

1. The President/Secretary/Administrator, Canara CGHS Ltd., Plot No. 16, Sector 13, Rohini, New Delhi-110085.
2. Ms. Anju Rani Mangla, Flat No. 40, 226 & 231, Canara CGHS Ltd., Plot No. 16, Sector 13, Rohini, New Delhi-110085.
3. DRCS (IT), O/o RCS *(with request to upload, due order)*
4. DRCS, Section -2, O/o RCS
5. Guard File