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GOVT. OF N.C.T. OF DELHI
OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES,
PARLIAMENT STREET, OLD COURT BUILDING, NEW DELHI-01

F. No. 47/RCS/Policy/2010/Part File-II/

Dated:-

Sub: - Minutes of meeting of Rule 90 Committee held on 16.06.2022 & 22.06.2022.

I am directed to enclose herewith the copy of the minutes of Rule 90 Committee meeting held on 16.06.2022 & 22.06.2022 at 03:30 PM for necessary action at your end. Intimation may also be sent to the concerned members individually. A Copy of the letter to be sent to DDA in case of cleared members & minutes of meeting may also be placed on the website of RCS.

Satish Kumar
11.07.2022
(SATISH KUMAR GUPTA)
ASST. REGISTRAR (POLICY)

F. No. 47/RCS/Policy/2010/Part File-II/ 100-104

Dated:- 11/07/22

Copy for necessary action to:-

1. P. S. to Secretary Cooperation
2. P.S. to Registrar Cooperative Societies.
3. P.A. to Spl. Registrar Cooperative Societies/ DRCS-1/DRCS-2
4. Assistant Registrar (Section-2, 4 & 6)
5. In-charge (Computer Cell) to upload the minutes dated 16.06.2022 & 22.06.2022 on the RCS website.

Satish Kumar
11.07.2022
(SATISH KUMAR GUPTA)
ASST. REGISTRAR (POLICY)

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GOVT. OF NCT OF DELHI
OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET NEW DELHI

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER RULE 90 OF DCS RULES 2007 HELD ON 16.06.2022 & 22/06/2022 AT 03.30 PM UNDER THE CHAIRPERSONSHIP OF SECRETARY (COOPERATION) TO CONSIDER THE PROPOSALS TO ACCORD ITS APPROVAL FOR FORWARDING THE NAMES OF MEMBERS OF THE CGHS TO DDA FOR CONDUCTING DRAW OF LOTS

Meeting of the committee constituted under Rule 90 of DCS Rule 2007 was held on 16.06.2022 at 3:00 PM in the chamber of Chairman-DSSSB-Secretary(Cooperation) at DSSSB, FC-18, Institutional Area Karkardooma Delhi.

The following Officers/Members of the committee attended the meeting:

	Chairperson
i). Sh. Shurbir Singh, Secretary (Cooperation)	Member
ii). Sh. Devesh Singh, Registrar Cooperative Societies	Member
iii). Dr. T. Philip Thanglienmang, Spl. RCS	Member
iv). Sh. Y.Srinivasa Rao, C.O.A. (Finance Deptt.)	Member
v). Sh. Arvind Jain, Deputy Secretary, Law Department	

The concerned AR's briefed the Agenda to Rule 90 Committee about their respective cases for clearance of membership for onwards submission to DDA for draw of lots. In this meeting the Rule 90 committee sought clarification in respect of the Agendas placed before it and the Meeting of Rule 90 committee was rescheduled on 22.06.2022 at 3:30 PM.

As scheduled, meeting was held on 22.06.2022 at 3:30 PM and concerned ARs placed their Agenda before the Committee as under :-

1. Delhi Municipal, Press CGHS Regn No. 1303-(GH).

(a) Agenda Presented:- The society is registered with this Office vide Reg No. 1303/GH with 60 promoter members. The Freeze Strength of the society was approved vide this Office letter no. F47/Verification/GH/Coop/85/1303/496 dated 16-03-1985. DDA has allotted land at plot no. 29A, Sector-10, Dwarka, New Delhi-110075.

The Agenda for clearance of 56 membership of Delhi Municipal Press CGHS Ltd. was placed before the Rule 90 committee. Concerned AR, Cooperative Societies apprised the Committee about the facts of the case.

(b) Queries Raised in Rule 90 meeting :-

- Confirmation regarding objection received on the public notice published in the daily newspaper on 05.03.2020.
- Unoccupancy Certificate.
- Certificate regarding any Dues against the proposed members.

- iv). The individual folders of the proposed members should also be cross checked randomly by the Deputy Registrar directed by the Committee in its meeting held on 20.05.2022.
- v). Clarification regarding Rule 24(2) of DCS Rules, 1973 has been met by the Society or not.

(c) Response to Queries Raised:-

- i). No objection has been received in the department and in the society in response to the public notice published in two daily newspapers in Hindi and English on 05.03.2020. This has also been certified by the Society by giving an affidavit in this office.
- ii). It is confirmed that the members are non occupant of any flat in Delhi Municipal Press CGHS Ltd. and all flats are lying vacant at present in the society.
- iii). Society has given in writing No Dues Certificate in respect of all 56 members whose agenda has been placed before the Rule 90 Committee for clearance of their respective membership. The No Due certificate is placed in the individual folders of all 56 members
- iv). The concerned Assistant Registrar has checked all the 56 cases and found them in order. Dy. Registrar has also randomly crossed checked 20 folders and found them in order.
- v). It was informed to the Committee that as per Rule 24(2) of DCS Rule 1973, "In case of vacancy in a housing society including group housing society where layout and building plans have been approved by the competent authority, the same shall be filled by the committee by notifying it in leading daily newspaper of Delhi in Hindi and English. In case the number of applications are more than the notified vacancies the membership shall be finalised through draw of lot in the presence of authorised representative of the Registrar."

In the instant case, the layout and building plan of the society was sanctioned by DDA on 27.09.2004. It means that before this date applicability of Rule 24(2) is not necessary in this case. There are 53 members who were enrolled before the date on which DDA approved Layout and Building Plan and following three members were enrolled after the 27.09.2004, on which DDA approved Layout and Building Plan.

S. No.	Name of member	Membership No.	Date of enrolment/Date of MC Resolution
1	Smt. Manju Khanna	196	26.05.2007
2	Smt. Archana Saini	197	13.06.2007
3	Sh. Punnet Chandra	198	13.06.2007









(d) Decision Taken:-

- (i) Committee decided that names of the following 53 members is approved and be forwarded to D. D. A. for draw of lots :-

S.No.	Name of the Member	M.No.
1	Sh.Praveen Kumar Jain	64
2	Smt.Veena Rani Jain	65
3	Sh.Ashok Kumar Singhal	84
4	Sh.Rakesh Jain	85
5	Sh. Krishan Lal Singla	89
6	Smt.Suman Chopra	94
7	Smt.Ragini Singhal	95
8	Smt.Madhu Jain	108
9	Sh. Suraj Bhan Dhamija	112
10	Sh.Shanti Kumar Rakyan	121
11	Smt.Bhagwanti	123
12	Sh.Atul Jain	125
13	Smt.Shivali Syal	135
14	Smt.Rita Jain	137
15	Sh.Harpreet Singh	139
16	Sh.Ashwani Kumar Gupta	141
17	Smt.Mrignaini Jain	142
18	Sh.Ravinder S.Mehta	143
19	Smt.Bhagwati Mandhan	144
20	Smt.Shruti Duggal	146
21	Smt.Aarti Jain	147
22	Sh.Chetan Sharma	148
23	Sh.Naresh Kumar	149
24	Smt.Shilpa Dadhoria	151
25	Sh.Sudershan Kapoor	154
26	Sh.Pavel Garg	163
27	Sh.Raj Kumar Ralhan	164
28	Smt.Ritu Sachdeva	166
29	Smt.Anamika	167
30	Smt.Sushila Devi	168
31	Smt.Sunita	170
32	Sh.Atul Bhatia	172
33	Sh.Rajesh Bajaj	173
34	Sh.Rajeev Lochan Seth	175
35	Sh.Sandeep Kumar Dungarwal	176
36	Smt.Neela Jain	177
37	Smt.Beena Agarwal	178
38	Sh.Sanjay Agarwal	179
39	Sh.Sudaksha Sachdeva	180
40	Sh.Rohit Asthana	181

41	Dr. Vibha Chhabra	182
42	Smt. Radha Srivastava	183
43	Smt. Vinay Gupta	184
44	Sh. Siddharth Jain	185
45	Smt. Sweta Jain	186
46	Sh. Sarabjot Singh Chawla	187
47	Col. Puran Chand Jagia	188
48	Smt. Kanchan Jain	189
49	Sh. Satish Kumar Dhawan	190
50	Smt. Rajshree Jain	191
51	Smt. Kalawati Singh	192
52	Sh. Anil Bansal	193
53	Sh. Rajesh Popli	194

(ii) The membership of the following three members is not considered by the Committee for the violation of Section 24(2) of DCS Rules, 1973 and to examine the same in the provision on the relevant judgements given by High Court and other relevant Courts.

S. No.	Name of member	Membershi p No.	Date of enrolment/Date of MC Resolution
1	Smt. Manju Khanna	196	26.05.2007
2	Smt. Archana Saini	197	13.06.2007
3	Sh. Punnet Chandra	198	13.06.2007

2. Clearance of membership of one member in respect of Sh. Suresh Chand Jain, (Membership No. 36) of Karuna Vihar CGHS Ltd.

(a) Agenda Presented :- The Karuna Vihar CGHS Ltd Regd No. 1270/GH is registered at plot No 9, Sector-18A, Dwarka, New Delhi-110077. The freeze strength of the society is 76 members which was approved vide letter dated 16-09-1997 by the Competent Authority. The matter was placed earlier before the Rule 90 committee on 17-02-2022 and due to non production of original documents by the society in respect of membership of original member Ms. Vijay Lakshmi Jain/Mam Chand Rai Jain, the Chairperson of the Committee directed that matter be disposed as per DCS Act/Rules within a period of 2 months. The case was again place before Rule 90 Committee on 20.05.2022. On this date, Committee directed that matter be examined for facts and compliance of court orders including of Hon'ble Supreme Court of India dated 23.09.2019 and be put up again before the Committee.

Therefore, case was again placed before the Rule 90 Committee on 22.06.2022. The Committee deliberated at length and observed that the society had held self draw in respect of 76 members duly regularised by Hon'ble LG. The name of one member Sh. Ajay Kumar Sharma is in the self draw list, but no flat number is mentioned against his name.

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Saini

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(b) Queries Raised in Rule 90 meeting:-

- i). To examine the facts and compliance of Court Orders including Hon'ble Supreme Court order dated 23.09.2019 for clearance of membership of Shri Mamchand Rai Jain/Suresh Chand Jain, I.R (Membership No. 36).
- ii). The claim of Sh. Ajay Kumar Sharma/legal heir is settled by the society or not.
- iii). Whether the name of Sh. Ajay Kumar Sharma/legal heir, membership No. 278 is in the self draw list approved by the Hon'ble I.G.

(c) Response to Queries Raised:-

- i). The order of Arbitration dated 15.02.2013 for transfer of membership in the name of Suresh Chand Jain legal heir of Shri Mamchand Rai, was not implemented by the society and society went upto Hon'ble Supreme Court of India for non implementation of Arbitrator order. The Hon'ble Supreme Court of India upheld the order of Arbitrator vide order dated 23.09.2019. The Society was superseded on 27.10.2020 by the RCS for not implementing arbitration award dated 15.02.2013. The membership has been transferred by the Administrator.
- ii). The claim of Shri Ajay Kumar Sharma is yet to be decided by the Administrator/Managing Committee of the society
- iii). The name of Shri Ajay Kumar Sharma/Legal heir was in the list of self draw approved by the Hon'ble LG but flat no. was not mentioned against the name of Shri Ajay Kumar Sharma/Legal heir.

(d) Decision Taken

The committee observed that since the membership of Sh. Mamchand Rai Jain father of Shri Suresh Chand Jain has been upheld by the Hon'ble Supreme Court of India, the Committee approved the name of Sh. Suresh Chand Jain for forwarding to DDA for draw of lot and allotment of vacant flat subject to the condition that the claim of Shri Ajay Kumar Sharma/Legal heir is settled by the society and necessary approval of Competent Authority is obtained in this regard.

3. Clearance of membership in respect of Sh. V.K Gulati, Membership No-23 of MILAN VIHAR CGHS LTD.

(a) Agenda Presented :-

The Milan Vihar CGHS Ltd. is Regd. GH -455 at the Address B-2,(GF) 72, I.P. Extension, Patparganj, Delhi-110092. Freeze strength of the society is 399 Members. Total 395 of Members were already cleared except 04 Members. In the present case, the Society vide its letters dated 01.02.2021 & 02.08.2021 has forwarded its proposal for verification of documents of 04 Members. Cases of three members have been rejected for want of requisite documents despite the sufficient opportunity. Only one case in respect of Sh. V.K. Gulati, Membership No. 23 approved by the RCS for placing before the Rule-90 Committee.

(b) Queries Raised in Rule 90 meeting:-

- (i) Whether the order of dated 04.08.2009 of the Hon'ble High Court of Delhi in CM(M) No. 1038 of 2008 titled "Milan Vihar CGHS V/s V.K. Gulati" has been complied with by the member.



(c) Response to Queries Raised:-

Para 5 of Hon'ble High Court order dated 04.08.2009 has been complied by Shri V K Gulati by payment amounting i.e. to Rs. 6,33,400/- paid to the Society on 01.10.2009 (within two months from the date of order 04.08.2009) vide receipt no. 4820 dated 01.10.2009 issued by the Society.

(d) Decision Taken

The Committee observed that the compliance of the case in Financial Commissioner order has not been brought on record for the Committee hence the case is not approved. The case may be put up again for the approval of Rule 90 Committee with complete facts and compliance of court order.

4. Clearance of membership in respect of Sh. Praveen Kumar s/o Sh. K.K Yadav, Membership No. 250 of Raj Vihar CGHS Ltd.

(a) Agenda Presented :- Raj Vihar Cooperative Group Housing Society (Regn. No. 1213/GH), situated at Plot No. 13, Sector-18A, Dwarka, New Delhi-110075. The freeze strength of the society is 77. Out of 77 the names of 75 members of this society had already been forwarded to DDA for Draw of lots. One is vacant, remaining name of 01 member was detained due to the reasons that he was not resident of Delhi at the time of registration of membership in the society.

(b) Queries Raised in Rule 90 meeting:-

As Sh. K.K. Yadav, was not resident of Delhi and posted outside Delhi. Does he not violate Rule 19 (vi) of DCS Rules 2007, wherein a person should be the resident of National Capital Territory of Delhi for a minimum period of three year at the time applying of membership in the society.

(c) Response to Queries Raised:-

It was informed to the Committee that the original member Sh. K.K Yadav has never been a resident of Delhi and has already remained posted outside Delhi although he was a Central Government employee. Further all the documents submitted by Sh. K.K Yadav including the membership application, affidavits etc. contain his address outside Delhi only. Accordingly, the earlier Rule 90 Committee did not agree to accord its approval for forwarding the name of the Sh. Praveen Kumar s/o Sh. K. K. Yadav to DDA in the earlier meeting of Rule 90 Committee.

However, Sh. Praveen Kumar s/o K.K. Yadav filed a case having WP(C) No-1006/2019 title Praveen Kumar V/S RCS & Ors. for forwarding the case to the DDA for draw of lots. In said case Hon'ble High Court vide order dated 19.04.2022 directed RCS office "to refer the case of petitioner i.e Sh. Praveen Kumar for allotment of flat with DDA within four week".

Hon'ble High Court in order dated 19.04.2022 stated that Since the Notification dated 22nd April, 1997 (wherein residence proof of Delhi prior to enrolment in any Cooperative Society is compulsory) was never gazetted and thus did not come into force and the notification dated 5th December, 2001 clarifying the notification dated



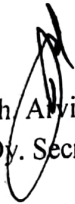
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22nd April, 1997 cannot have any force. The Delhi Co-operative Societies Act, 1973 was repealed by the Delhi Cooperative Societies Act 2003 and received the assent of the Hon'ble President of India on 3rd March 2004 and came into force on 1st April, 2005.

As Sh. K.K Yadav f/o Sh. Praveen Kumar became a member of the society on 10th October, 2004, the Circular dated 16.12.1992 (wherein requirement of proof of residence for membership of Cooperative Societies was dis-continue) will prevail in his case.


(d) Decision Taken

In this regard, the Committee is of the view that legal opinion may be taken from the Law Department for filing an appeal against the order dated 19.04.2022 passed by double bench of Hon'ble High Court in WP(C) No-1006/2019 title Praveen Kumar V/S RCS & Anr.


Sh. Arvind Jain
Dy. Secretary (Law Deptt.)
(Member)


Sh. Y. Srinivasa Rao
C.O.A. (Finance Deptt.)
(Member)


Dr. T. Philip Thangliemang
Spl. RCS (Member)


Sh. Devesh Singh, I.A.S.
R.C.S. (Member)


Sh. Shurbir Singh, I.A.S.
Secretary Cooperation
(Chairman)