

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER RULE 90 OF THE DCS RULES, 2007 HELD ON 13.02.2013 at 04:00 P.M. UNDER THE CHAIRMANSHIP OF SECRETARY (COOPERATION) IN RESPECT OF SH. SANJAY KUMAR, M.NO. 220, AND SH. RANJAN GUPTA & SMT. VRUSHALI GUPTA,

406 A meeting of the Committee under Rule 90 of DCS Rules, 2007 held on 13.02.2013 at 4:00 PM to consider and clear the proposal as per agenda placed on file for draw of lots in r/o Sh. Sanjay Kumar, M.S.No. 220, and Sh. Ranjan Gupta & Smt. Vrushali Gupta, Jt. M.No. 234, in Anjuman Coop. Group Housing Society Ltd. for considering and forwarding the names to DDA for allotment of flat.

407 ANJUMAN Coop. Group Housing Society Ltd. was registered vide Registration No. 1022/GH. Present registered address of the society is Plot No. 20, Sector-12, Dwarka, New Delhi-110075. The Freeze Strength of the Society is 120. Draw of lots in respect of 109 members held by DDA on 25/02/2011, And the draw of lots for a total no. of 109 flats has been conducted by the DDA till date.

408 Anjuman CGHS Ltd. was one of the 101 societies investigated by the CBI under orders of the Hon'ble High Court of Delhi passed in WP (C) NO.10066/2004 titled "Yogiraj Krishna Coop. Group Housing Society Ltd. vs. DDA and Ors." In WP (C) NO. 1064/2007 titled "ANJUMAN COOP. G/H SOCIETY LTD. Vs Registrar Cooperative Societies & ORS.", the Hon'ble High Court of Delhi vide order dated August 29, 2008 passed certain directions on the basis of which the main draw of lots has been held. The Decision dated 29.8.2008 of the Hon'ble High Court of Delhi in W.P.(C) NO.1064/2007 titled Anjuman CGHS Ltd. Vs. Registrar Cooperative Societies & Ors. was challenged in the Supreme Court by way of Special Leave Petition (C) No.30103/2008 titled S.P.Saxena vs. Registrar Cooperative Societies and Ors. and SLP (C) No.512/2009 titled Ashok Goswami Vs. Registrar Cooperative Societies and Ors. vide Interim Order dated 5.12.2008 the Supreme Court stated as under:-

"Permission to file SLP is granted.

Issue notice.

Learned counsel has appeared for the respondent No.4 on caveat. As far as service of notice on the said respondent is concerned, the same is waived. Let notice be served on the other respondents in the usual course. It is submitted on behalf of the said respondent that he has no objection if sub-paragraph (vi) of paragraph 5, of the impugned judgment of the High Court, is modified so that the petitioner as also the other former members indicated therein, would also be eligible for being considered for the allotment of a flat. Although, we could have disposed of the Special Leave Petition on such submissions, we are unable to do so, since there are other persons including the Registrar of Cooperative Societies, who are parties to the proceedings.

Accordingly, let this matter be listed on 5th February, 2009. Apart from usual service, let notice be served, in addition, by way of Dasti.

In the meantime, the Committee constituted by the Hon'ble High Court in the impugned judgment, shall not proceed and the respondents will be entitled to continue to process with the applications made for allotment of flats under Rule 90 of the Delhi Cooperative Societies Rules, 2007, but shall not make any final allotment till the disposal of this matter. Pursuant to this order, the Rule 90 Committee shall also consider the petitioner's application for allotment".

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Vide final order dated 31.3.2009 the above said interim order was made absolute. This order of the Supreme Court has allowed both S.P.Saxena and Ashok Goswami to be considered and secondly the Mahajan Committee constituted by the Hon'ble High Court has been done away with. The O/o Registrar Cooperative Societies filed review petition No. 611-12 of 2010 against this order of the Hon'ble Supreme Court but the same was dismissed vide Order dated 06.04.2010. In a meeting taken by Hon'ble L.G. on 10.5.10 to review progress for allotment of land in CBI investigated cooperative societies, it was decided that the cases of the charge sheeted persons should not be approved for allotment till their names are cleared by the competent Court.

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The only reasons for detention of the names of Sh. Sanjay Kumar, M.No. 220, and Sh. Ranjan Gupta and Smt. Vrushali Gupta, Jt. Membership No. 234, at the time of main draw of lots is that Sh. Sanjay Kumar being a resident of Bihar, and not a resident of Delhi, and the address proof of Sh. Ranjan Gupta and Smt. Vrushali Gupta, Jt. M.No. 234 was not submitted by the members. None of these 02 memberships are charge-sheeted persons. Only Sh. S.P.Saxena and Sh. Ashok Goswami are chargesheeted, and have been detained till date.

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The deficiencies have been removed subsequently by both these memberships, and Sh. Sanjay Kumar, M.No. 220 has stated that he being a Central Govt. Servant (Railways) is exempted for being a resident of Delhi for enrolment as a member, and has also submitted the amendment of Bye-Laws of the society and has also submitted the Certificate from Railways for being a central govt. servant at the time of enrolment in membership. Sh. Ranjan Gupta, and Smt. Vrushali Gupta, Jt. M.No. 234 have submitted the Passport and Driving License in support of preceeding 03 years residence proof, which has been verified by Sh. R.S.Krishnan, the then AR(NW).

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It is stated that the requisite documents and records of the society i.e. CBI certified copies produced by the society have been verified by Sh. Pawan Kumar, Asstt. Registrar(NW).

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But certain observations are being placed before Rule 90 Committee for approval.

1. Dropping of furnishing of indemnity bond by the Jt. Members M.No. 234 i.e. Sh. Ranjan Gupta & Smt. Vrushali Gupta for them to be kept at par with other members of the society whose draw of lots have been held,
2. In r/o undertaking by GPA of M.No. 234 in r/o depositing of dues demanded subsequently after main draw of lots, excluding the land money and flat construction cost, fresh demand of Rs. 1,68,000/- raised by the society and the reply given by the GPA Sh. Mohit Gupta,
3. In the absence of availability of neither the original membership application form nor the certified photocopies of the application form with the society, and the fact that they are the esteemed members of the society, who have cleared all their dues towards the land money and constructions costs, as and when demanded by the society (also their names were cleared for draw of lots at the time of main draw of lots, but have been detained on the grounds/ observations as mentioned at paras above i.e. one being a resident of Bihar, and the other not submitted his residence proof of Delhi), and are valid members of the society holding share certificate (already verified by the AR, NW), and their names have been verified to be entered in the membership register CBI certified photocopies available with the society,

414 It has been found that Sh. Sanjay Kumar, M.No. 220 and Sh. Ranjan Gupta & Smt. Vrushali Gupta, Jt. M.No. 234 fulfills all the eligibility conditions as laid down under the DCS Act, 2003 and DCS Rules, 2007. The above name is recommended and submitted for consideration/ approval of the Committee constituted under Rule 90 of DCS Rules, 2007.

415 The cases of both these members Sh. Sanjay Kumar, M.No. 220 and Sh. Ranjan Gupta & Smt. Vrushali Gupta, Jt. M.No. 234 were discussed in the meeting and approved by the Committee duly constituted U/R 90 of the DCS Rules, 2007 are recommended for forwarding to DDA for draw of lots :-

- only one of Sh. Sanjay Kumar passed.
1. Sh. Tajom Taloh, Secretary(Coop.)-cum-Registrar, & to be recommended to the Cooperative Societies... Chairman [Signature] to be documents
2. Sh. K.Mahesh, Spl. Registrar, Cooperative Societies Member [Signature]
3. Sh. Tarun Sahrawat, Addl. Secretary (Law & Justice)... Member [Signature]
4. Sh. Ravinder Kumar, Deputy Secretary (Finance).... Member [Signature]