

IN THE COURT OF ADDL.REGISTRAR
OFFICE OF REGISTRAR: COOP. SOCIETIES
OLD COURT'S BUILDING, PARLIAMENT STREET, NEW DELHI

No.F.47/1423/SW/PF1/1519-1528

Dated: 12.10.12

In the matter of:-

Maharaja Saini CGHS Ltd.
(Through its President/Secretary),
Plot No.25, Sector-12, Dwarka-I
New Delhi-110078

.....Petitioner

Versus

1. Smt. Promilla Ghai, MS No.264
WZ-456, Road No.25,
Shiv Nagar, Jail Road, New Delhi-110058
2. Smt. Richa, MS No.265
WZ-456, Road No.25,
Shiv Nagar, Jail Road, New Delhi-110058
3. Smt. Seema Kumari, MS No. 286,
803, Manjusha, 57, Nehru Place,
New Dehli-110019
4. Smt.Sonika Garg, MS No.287
4/101, Eastend Apartment, Mayur Vihar,
Phase-I, New Delhi-110096
5. Sh.Satyabhushan, MS No.294
C-15, New Krishan Park,
New Delhi-110018
6. Sh. Inderjit Singh, MS No.299,
A-130, Niti Bagh,
New Delhi-110049
7. Sh. Raghubir Singh,MS No.301,
A-130, Niti Bagh,
New Delhi-110049
8. Sh. Pradeep Kumar Garg, MS No.278,
803, Manjusha, 57, Nehru Place,
New Delhi-110019



TRUE COPY
CERTIFIED

Sumar

Reader to Registrar

9. Smt. Suman Aggarwal, MS No.289
A-43, Allahabad Apartments, Mayur Vihar,
Phase-1, New Delhi-110096

..Respondents.

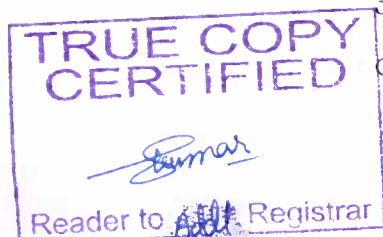
ORDER

Vide this order I shall dispose of the proposal received from the Maharaja Saini CGHS Ltd. (hereinafter the Society) for expulsion of nine defaulter members. The society vide its proposal dated 11.4.2011 submitted a proposal to the RCS for approval for expulsion of nine members. Along with the proposal the Society submitted the copies of the following documents:-

- i) Copy of the first notice dated 18.12.2010 issued to the members.
- ii) Copy of the second notice dated 24.01.2011 issued to the members.
- iii) Copy of the third notice dated 1.3.2011 issued to the members.
- iv) Copy of the Public Notice in two newspapers on 27.3.2011.
- v) Copy of the Resolution of the Managing Committee dated 3.4.2011.
- vi) Accounts Statement of all the nine expired members.
- vii) Undertaking regarding addresses of nine expelled members.

2. Notices were issued to all the nine members. During the proceedings, the Society vide its application dated 23.6.2012 sought to withdraw the names of R-8 and R-9 on the ground that they had submitted their resignations from the membership of the Society and their resignations have already been accepted by the Managing Committee in the meeting held on 29.4.2012. The proceedings in respect of R-8 and R-9 were accordingly dropped.

3. An application was moved on behalf of the Society for closure of the proceedings in terms of Section 86(3) of DCS Act,



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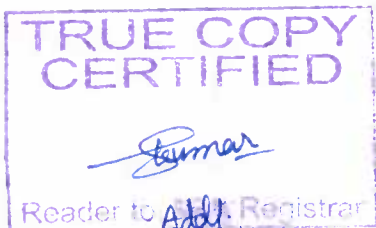
2003 (hereinafter the Act) read with Rule 99(3) of DCS Rules, 2007(hereinafter the Rules) on the ground that as the period of one hundred and eighty days has already expired from the date of receipt of resolution in the Office of RCS , the expulsion is deemed to have been approved. The application was, however, dismissed by the then Spl.RCS (who was then conducting the proceedings) vide his Order dated 12.4.2012.

4. Respondent Nos.-1, 2, 6 and 7 have been appearing sometimes personally and sometimes through their representatives. However, Respondent Nos. R-3, 4 and 5 did not enter appearance inspite of notices dated 22.6.2012 and 4.7.2012. Notices sent to them through Speed Post were also not received back. Notices were accordingly directed to be sent through Bailiff. As regards R-3, the notice was sent at the address provided by the Society but same was returned unserved with the remarks of the Bailiff that the address is that of a Company viz. INTEC Company, and as per the Report of the Bailiff, the said Respondent had never worked in this Company. The Society was directed to produce the record with respect to the address of R-3. The following documents with respect to the address of R-3 were filed by the Society on 23.8.2012:-

- i) Copy of the Application Form signed by R-3;
- ii) Copy of affidavit filed by R-3;
- iii) Copy of attested Membership Register which also bears the address as also the signature of the Respondent.



5. A notice was accordingly got published in two newspapers, one in English and one in Hindi, on 29.8.2012. Notice was also displayed on the website of RCS. R-3, however, still did not enter appearance. Accordingly, vide Order dated 24.9.2012 R-3 was proceeded ex-parte.



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6. In respect of R-4, notice dated 30.7.2012 was received by her mother on 1.8.2012 through Bailiff. However, she still did not enter appearance. With respect to R-5, notice dated 30.7.2012 was served upon him personally by the Bailiff on 1.8.2012 but he also did not enter appearance. Accordingly, vide Order dated 24.9.2012, R-4 & R-5 were also proceeded ex-parte along with R-3.

7. During the proceedings conducted on 19.7.2012, R-1, R-2, R-6 & R-7 stated that they had not received any individual statement of account in respect of demands outstanding from them. A copy of the individual statement of account was handed over to the Respondents in the Court itself. The main contention raised by the Respondents was that an unequal treatment has been meted out to them. They have been charged higher rate of interest and for longer period vis-à-vis the remaining members of the Society. The Respondents requested for an opportunity to inspect the records of the Society to verify as to whether the remaining members of the Society have been charged similarly. With the consent of all the parties, it was directed that all the four Respondents may inspect the Society's record on 24th & 25th July, 2012 between 11.00 and 2.00 P.M. within the premises of the Society. The Respondents were further directed to file their reply to the Petition u/s 86 within seven days from the date of inspection of records with an advance copy to the Society.

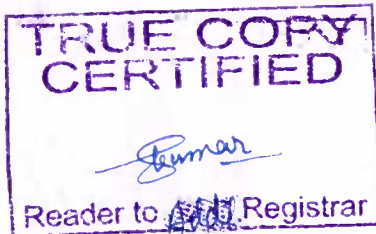
8. During the hearing on 6.8.2012, it was noted that all the four Respondents/their representatives have visited the Society on assigned dates and have seen the records but the issue with respect to charging of interest still remained unclear. At this stage, all the four Respondents volunteered to pay the balance principal amount to the Society within thirty days. As regards the interest component, the Society was directed to file statement of account of the remaining members of the Society so that it could be verified as to whether all the members have been charged



similarly. During hearing on 23.8.2012, it was informed by the Secretary of the Society that R-6 & R-7 have cleared their principal amount as directed on the last date of hearing. R-1 & R-2 again undertook to clear the principal amount within the stipulated period of thirty days from 6.8.2012.

9. After the Respondents agreed to make the payment of principal amount within thirty days w.e.f. 6.8.2012, the only issue which remained to be decided was as to whether the Respondents had been charged higher rate of interest and for longer period than the remaining members of the Society. The statement of account filed by the Society in respect of some of the other members of the Society was perused and it appeared that there has been no discrimination with the present Respondents. This is not to say that the interest has been charged strictly in accordance with the provisions of Rule 32. If the Respondents or any other member of the Society has any grievance with respect to the charging of interest higher than what is contained in Rule 32 there are alternative remedies available. During the present proceedings, the point of discrimination was required to be looked into and once it was found that all the members including the Respondents have been charged similarly, the ground taken by the Respondents for not making payment to the Society no longer holds good. The Secretary of the Society states that the higher rate of interest has been charged only in respect of Govt. dues but rate of interest with respect to the construction money etc. has been charged strictly as per Rule 32. Be that as it may, this issue can not be decided during proceedings u/s 86.

10. The Society filed the latest statement of account on 24.9.2012 in respect of all the seven Respondents. Copy of the same was given to the Respondents who were present during the proceedings on 24.9.2012. The Respondents are directed to make the payment as per the statement of account within a period of thirty days. If the same is not done, the defaulting members shall

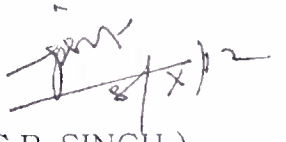


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be deemed to have been expelled from the membership of the Society on the expiry of thirty days from the date of this Order.

11. A copy of this Order be sent to R-1, R-2 and R-4 to R-7 free of cost. Since R-3 could not be served, it is directed that a copy of this Order be uploaded on the web-site of RCS Office for the information of all concerned. File be consigned to concerned zone/section.

12. Given under my hand and seal on 8.10.2012.


(G.P. SINGH)
ADDL.RCS)

No.F.47/1423/SW/PF1/1519-1528

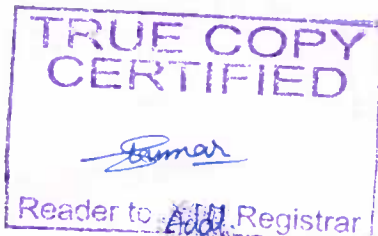
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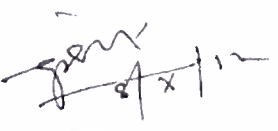
Copy forwarded to:-

1. Maharaja Saini CGHS Ltd. (Through its President/Secretary), Plot No.25, Sector-12, Dwarka-I, New Delhi-110078.
2. Smt. Promilla Ghai, MS No.264, WZ-456, Road No.25, Shiv Nagar, Jail Road, New Delhi-110058.
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4. Smt. Seema Kumari, MS No. 286, 803, Manjusha, 57, Nehru Place, New Delhi-110019.
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8. Sh. Raghubir Singh, MS No.301, A-130, Niti Bagh, New Delhi-110049.

Copy for information to:-

9. RCS, GNCTD, New Delhi.
10. ✓ Asstt.Programmer, O/o.RCS, GNCTD, for uploading the order on the website.




(G.P. SINGH)
ADDL.RCS)