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MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER RULE 90 OF DCS RULES, 2007 HELD ON 27.12.2017 AT 11.00 AM. IN THE CHAMBER OF SECRETARY-CUM-REGISTRAR, CO-OPERATIVE SOCIETIES, PARLIAMENT STREET, NEW DELHI, TO CONSIDER THE PROPOSALS TO ACCORD ITS APPROVAL FOR FORWARDING THE NAMES OF MEMBERS OF THE CGHS TO DDA FOR CONDUCTING DRAW OF LOTS.

The following members of the committee attended the meeting:

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|------|----------------------------------|----------------------|
| i. | Sh. J.B. Singh (Secy-cum-RCS) | Chairman and Member, |
| ii. | Ms. Richa (Addl. RCS) | Member |
| iii. | Sh. Sunil Sehgal (Dy. Secy, Law) | Member |

The designated member from the Finance deptt. was not present. The member was stated to be on leave and Sh. Anil, a Supdt. from Finance deptt. attended the meeting. The member from Law deptt. requested the Chairman to defer the meeting because of this absence. The Chairman, however, decided that since the quorum is complete and majority members are present, the proceedings of the Rule-90 committee should go on in the interest of the applicants.

In addition, the Deputy and Assistant Registrar were also present to explain the agenda to the Committee. Brief facts of the cases as brought up before the Committee by them were as under: -

1. THE BHARTIYA CGHS LTD

The Bhartiya CGHS Ltd. was registered vide registration number 998(GH). The freeze strength of society is 76. Out of which the names of 75 members have been cleared by the Rule 90 Committee. Only the case of Sh. Ravi Kapoor (M.No. 280) was left for clearance of his membership.

Sh. Ravi Kapoor was enrolled as member with membership No. 280 by the society and submitted the proposal of enrolment of Sh. Ravi Kapoor to this office and the same was rejected by the then RCS as intimation of resignation of vacancy was not conveyed to the office of RCS within 15 days and the resignation was not published in 02 leading newspapers separately while filling of vacancy.

On behest of the Hon'ble High Court of Delhi in W.P. (C) No. 6397/2015 vide order dated 02.03.2016 directed that "the Registrar is hereby directed to verify whether the amounts were duly paid to the erstwhile members and if necessary, record the statements of such members (Rajeev Dhawan & Poonam Dhawan). The process shall be completed within two months from today depending on such statements. The final orders of approval under rule 19(2) shall be issued".

The committee was informed that in compliance of the Hon'ble High Court directions dated 02.03.2016, as the amounts have been duly paid to the erstwhile members i.e. Sh. Rajeev Dhawan & Ms. Poonam Dhawan and the same has been verified by ARCS, therefore, the rejection letter dated 02.06.2010 has been withdrawn and the society was directed vide letter dated 07.12.2017 to submit the case of Sh. Ravi Kapoor for clearance of membership. Accordingly, the name of Sh. Ravi Kapoor (M.No. 280) was approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.



The Committee was informed that the society has produced original records in respect of the member and the same have been checked and verified by the Assistant Registrar (Sec-1) namely Sh. M.G. Sathya and have been found to be true, correct and in order by him. The Committee was informed that the enrolment of the member has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by him and he has recommended the clearance of the membership.

The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by the Assistant Registrar before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the name Sh. Ravi Kapoor to the DDA to conduct draw of lots as per the directions of Hon'ble High Court of Delhi.

2. CHOPRA CGHS LTD.

The Chopra CGHS Ltd. was registered with this department vide registration No. 675/GH under the provision of DCS Act & Rules. The freeze strength of the society is 135. Out of which 125 have been cleared by this department on 22.8.2016.

The following 09 members were earlier detained due to reason mentioned against each

S.No.	M.No.	Name	Reason for detention
1.	48	Smt. Tamana Rani	Detained due to transfer of membership not in first degree blood relation.
2.	111	Smt. Meena Rattan Pal	Detained due to default in payment.
3.	161	Sh. Vinod Kumar Talwar	Affidavit and Residence proof not submitted.
4.	166	Sh. Rajinder Kumar Sikka	Detained due to default in payment.
5.	178	Sh. Ashok Kumar Chopra	Documents not submitted and default in payment.
6.	206	Sh. Kashmere Chand Sharma	Detained due to default in payment.
7.	213	Sh. Shyam Sunder Sharma	Detained due to default in payment.
8.	355	Sh. S.K. Joshi	Detained due to default in payment.
9.	372	Sh. Sandeep Das & Aparna Das	Detained due to default in payment.

The Committee was informed that the society has submitted the proposal in respect of 04 members namely Smt. Tamana Rani (M.No. 48), Sh. Vinod Kumar Talwar (M.No. 161), Sh. Rajinder Kumar Sikka (M.No. 166) & Sh. S.K. Joshi (M.No. 355) and that all dues have been cleared by them and has produced the original records, which have been checked and verified by the then Asstt. Registrar, Sh. Ashok Kumar Navet and re-verified by the then Asstt. Registrar Sh. Jitender Kumar Singh and have been found to be true, correct and in order by them.

The name of Smt. Tamana Rani (M.No. 280) was detained due to transfer of membership being not in the first degree blood relation and the society failing to give any clarification in this regard.

The Committee was informed that the enrolment of other three members has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by the Asstt. Registrars concerned and they have recommended the clearance of these memberships

and the names of these members were also approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.

The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by the Assistant Registrars before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the names of following 03 members to the DDA to conduct draw of lots: -

Sl. No.	M.S. No.	Name of members	Remarks/ Date of enrolment	Category
1.	161	Sh. Vinod Kumar Talwar	28.05.1986	B
2.	166	Sh. Rajinder Kumar Sikka	28.05.1986	A
3.	355	Sh. S.K. Joshi	18.11.2002	B

3. MODEST KETKI CGHS LTD

This case was deferred for the time being due to non-availability of relevant Arbitration/Court orders in the file in respect of following five members and some clarifications as sought by members about the same.

Sl. No.	M.S. No.	Name of members
1.	686	Smt. Usha Khanna & Sh. Y. P. Khanna
2.	687	Dr. Amitoj Singh
3.	688	Sh. Ram Pratap
4.	689	Smt. Indu
5.	690	Sh. Ramesh Kumar

4. KUNJ VIHAR CGHS LTD

The Kunj Vihar CGHS Ltd. was registered vide registration No. 1355/GH under the provisions of DCS Act & Rules. The DDA has allotted land to the society at Plot No. 19, Sector-12, Dwarka, New Delhi-110075.

The freeze strength of the society is 213. Out of which 210 have been cleared and forwarded to DDA for draw of lots from time to time. The following 03 members were detained due to non filling of affidavit in Form-G of Schedule-VII of DCS Rules, 2007. Now, the society has submitted Form-G and Form-D in respect of remaining 03 members.

The Committee was informed that the society has produced original records in respect of these members and the same have been checked and verified by the Assistant Registrars, Sh. Jitender Kumar Singh & Sh. Tanuj Bhanot and have been found to be true, correct and in order by them.

The Committee was informed that the enrolment of these members has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by the Asstt. Registrars concerned and they have recommended the clearance of these memberships and the names of these members were also approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.

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The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by the Assistant Registrars concerned before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the names of following 03 remaining members to the DDA for conduct draw of lots: -

Sl. No.	M.S. No.	Name of members	Remarks/ Date of enrolment	Category
1.	713	Ms. Mansi Chadha	27.09.2015	02 BHK
2.	714	Ms. Renu Sharma & Mr. Ghanshyam Sharma	09.05.2016	02 BHK
3.	744	Sh. Raj Kumar & Smt. Neelam	15.05.2017	02 BHK

5. MEDIA CGHS LTD

The Media Cooperative Group Housing Society Ltd. was registered vide registration No. 1328/GH dated 12.01.1984 under the provision of DCS Act and Rules.

The freeze strength of the society is 98. Out of which 95 members have been cleared and forwarded to DDA from time to time for draw of lots. The name of Sh. Rajinder Kala (M.No. 10) was detained due to non submission of complete documents and default in payment.

The Committee was informed that the society has produced original records in respect of Sh. Rajinder Kala (M.No. 10) and has given no dues certificate. The original documents have been checked and verified by the Asstt. Registrar, Sh. Jitender Kumar Singh and have been found to be true, correct and in order by him.

The Committee was informed that the enrolment of the member has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by the Asstt. Registrar concerned and he has recommended the clearance of the membership and the name of the member was also approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.

The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by the Assistant Registrar concerned before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the name of 01 member to the DDA to conduct draw of lots: -

Sl. No.	M.S. No.	Name of members	Remarks/ Date of enrolment	Category
1.	10	Sh. Rajinder Kala	14.09.1983	-

6. NEW ASHOKA CHBS LTD

The New Ashoka CHBS Ltd. was registered vide registration No. 95/HB.

Brief History of the cases are as below:-

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1. Case of Ms. Sarla Goyal (Membership No 401) transfer from Sh. R. S. Chauhan.

The Committee was informed that Sh. R. S. Chauhan having Membership No 401 was the original member. He applied for transfer of his membership to his niece/friends daughter Ms. Sarla Goyal which was not in blood relation. The transfer was approved by the society in its meeting held on 05-04-1970 when the Delhi Co-operative Act was not introduced. This transfer was made/approved by the society in accordance with the section 19(1) of Bombay Act VII of 1925. The part of section 19 (1) of the Bombay Act VII of 1925 is hereby reproduced and copy of the same is placed in the file:

"Section 19 (1):- The transfer or charge of the share or interest of a member in the capital of a society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules.

2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless

a) He has held such share or interest for not less than one year; and

b) The transfer or charge is made to the society or to a member of the society or to a person whose application for membership has been accepted by the society."

The committee was informed that the case of Sarla Goyal was earlier discussed in detail and was pending for not being covered under the first degree blood relation in view of directive dated 30-03-90. The committee was further informed that two other similar cases namely Ajay Kumar Gupta and Arjun Kumar where also the transfer of membership was made outside of first degree blood relation, were cleared by this department as per details below:

a) Membership of Sh. Ajay Kumar Gupta (MS No-133) was cleared by this department (Ref Page 354-362/N). The condition of First blood relation was ignored due to the reasons that the directive of transfer between first degree blood relations came into effect from 31-05-1984 whereas this transfer case pertains to the period prior to 31/5/1984. Since no rule is retrospectively valid.

b) Membership of Sh. Arjun Kumar (MS No-90) was also cleared in the year 2004 by this office (Ref Page 424-432/N) after taking view of the Policy Banch (P-431-432/N) of this office.

Further, the other details as informed to the committee were as below:-

1. Sh, R. S. Chauhan who was the member and was enrolled as member of the society by the MC of the society in its meeting held on 18th December 1966. (Copy of the MC resolution is placed in the individual folder).
2. Share certificate was issued on 27-01-1967. (Copy of the counter foil of share certificate is placed in individual folder).
3. Sh. R. S. Chauhan transferred his membership to his niece/friends daughter Ms. Sarla Goyal being outside of blood relation vide his application in 1970 and Ms. Sarla has also applied for her membership on 29-03-1970. (copy of both application are in individual folder)
4. MC resolution for transfer of membership was passed on 5th April 1970 under the Bombay act as the Delhi Co-operative Act was not into force and also prior to issue of directive dated 31/5/1984. (Copy of the MC resolution is placed in individual folder)
5. Society has issued Share certificate to Ms. Sarla Goyal on 15th Feb 2017. (Copy is placed in individual folder).

2. Case of Ms. Alka Saxena (Membership No 438) transfer from Sh. K.P.Saxena.

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The Committee was informed that Sh. K. P. Saxena was enrolled as original member of the society by the MC of the society in its meeting held on 04-04-1969. (Copy of the MC resolution is placed in the individual file)

The committee was further informed that the case of membership of Sh. K. P. Saxena was earlier discussed wherein on the perusal of his personal file it was found that he has given an affidavit that he does not hold property in Delhi in any authorized colony, due to this deficiency found in his affidavit his membership was detained by this department as it was presumed that he might be holding property in some unauthorized colony. Whereas, now the society has submitted a copy of the affidavit of Sh. K. P. Saxena dated 11- April 1988 wherein, it was clearly mentioned as below:-

Point No 2 " That neither I nor my wife nor any of my dependent relations including unmarried children during the period of my membership in this society has owned either in full or in part on lease hold or free hold basis any plot of land or house in the union territory of Delhi"

Point No 3 " That neither I nor my wife is a member of Hindu undivided family which owns either in full or part on lease hold or free hold basis, any plot of land or a house in the Union territory of Delhi."

The committee was informed that at Para 308 page 158/N & P-219/N the name of Sh. K. P. Saxena along with Sh. Krishan Kumar & Sh. Ram Kumar was mentioned as non freeze list members. Later on a freeze list was provided in June 1987(Reference in Para 654, Page-394/N) and two members i.e Sh. Krishan Kumar & Sh. Ram Kumar were cleared by this department and draw of plots have been conducted as Page 404/N and name of Sh. K.P. Saxena was detained as the case of Sh. K. P. Saxena was lastly discussed at page No 490/N wherein he was detained due to non submission of some documents. Detail of documents required has been discussed at page 495/N i.e "Sh. K. P. Saxena has not given an affidavit of not having any plot or house in NCT in Delhi in the name of himself and his wife, his nominee since expired. The society came to know that his two daughters are alive but not provided the proof that they are the legal heirs of the deceased member and have not complied the required affidavit".

The Committee was also informed that a perusal of correspondence side reveals that the society vide its letter dated 15-02-99 & 25-02-99 had intimated this office about cessation of membership of Sh. K. P. Saxena as he owned a property in Delhi and did not file affidavit. As the society had now forwarded the name of Sh. K. P. Saxena for clearance, the comments of the society were sought vide this office letter dated 29-03-2017 and their reply dated 02-04-2017 has been placed at Page 759-760/C. wherein the society has informed that late Sh. K. P. Saxena was their original member there is nothing on records of the society proving cessation of his membership and no such minutes of meeting available. The society further certifies that his membership is never ceased in fact on 28-08-2016 MC passed a resolution to transfer his membership to his daughter Ms. Alka Saxena. The society further states that an Indemnity bond has been filed by Ms. Alka Saxena in this respect which is available in the individual folder.

The other details as informed to the committee members were as below:-

- i.) Sh. K.P. Saxena was enrolled as the original member with Membership No 438. The following documents have been submitted by the society in r/o Sh. K. P. Saxena:-
- (a) Application Form dated 09-07-1962.
 - (b) Copy of MC Resolution dated 04-04-1969.

- (c) Copy of counter foil of Share Certificate dated 04-07-1969.
(d) Copy of Affidavit dated 11-04-1988 filed by Sh K. P. Saxena

- ii.) Sh. K. P. Saxena was enrolled as member of the society by the MC of the society in its meeting held on 04-04-1969.
- iii.) Sh. K. P. Saxena nominated his wife Smt. Sarla Saxena vide his application dated 09-07-1966 available in the individual folder.
- iv.) Sh K. P. Saxena died on 23-04-1996. Copy of the death certificate is placed in the file.
- v.) Smt Sarla Saxena, nominee of Sh. K. P. Saxena has also died on 10-01-1996. (Copy of death certificate is placed in individual folder).
- vi.) Ms. Alka Saxena, daughter of Late Sh. K. P. Saxena and Sarla Saxena vide its application dated 21-08-2016, being legal heir of the member has requested the society to change of nomination in r/o M. N. 438. She has informed that her father and mother both have died and leaving behind two legal heirs which is herself and her sister Smt. Rekha Ajit Srivastava. She has submitted a copy of Relinquishment deed from her sister in her favour. (P-621-624/C).
- vii.) The society vide its resolution dated 28-08-2016 has substituted the membership in the name of **Ms. Alka Saxena** being legal heir. (P-632/C).
- viii.) The society has also submitted a copy of succession certificate which is in the individual file

The Rule-90 member from the Law deptt. pointed out that in case of death of a member, the nominee or legal heirs of the deceased are required to make a claim within three hundred sixty-five days and here the claim has not been made within the stipulated period. At this, the chairman of the committee ruled that a genuine legal heir or nominee of a member cannot be debarred from his legitimate right of inheritance only because of this and there are a number of rulings where the delays have been condoned by the competent authorities.

The committee was further informed that *In pursuance of the direction in the Hon'ble High Court in W.P. (C) No. 3913/2007 vide order dated 24.08.2009 in the matter of Sanjiv Kumar Dixit Vs. RCS. The Court observed that "the second proviso to Section 26 (1) also make it clear that in the case of a Co-operative Society with limited liability, which is the case of the respondent (society herein), the society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative as the case may be, being qualified in accordance with the rules and bye-lays for the membership of the society or on his application within one month of the death of the deceased member to any member specified in the application who is so qualified. Thus, it is clear that an application within one month is necessary only in case the person seeking membership is not a nominee or heir for legal representative of the deceased member. No application would be necessary when the deceased member has nominated a person to whom the membership is transferred. Rule 35(6)(1) of the said Rules also make this clear. The said Rule prescribes that where a member of the Co-operative Society has not made any other nomination, the society shall give a public notice inviting claims or objections for the transfer of share or interest of the deceased within the time specified. This makes it clear that where a nomination has been made by a deceased member, there is no requirement for the society to give any public notice inviting claims or objections in respect of the deceased member's share or interest. The position, therefore, is that insofar as a nominee is concerned, no application is necessary and his right to seek transfer would be*

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crystallized on the date of death of the deceased member, that is, in this case, on 09.03.1997 when Mr. Vidya Bhushan Dixit passed away."

The Committee was informed that the society has produced original records in respect of these members. The original documents have been checked and verified by the Asstt. Registrar concerned and have been found to be true, correct and in order by him.

The Committee was informed that the enrolment of these members has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by the Asstt. Registrar concerned and he has recommended the clearance of the membership and the name of the member was also approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.

The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by Sh. K.P. Suhag, Assistant Registrar (Sec-5) before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the names of 02 members to the DDA to conduct draw of lots: -

Sl. No.	M.S. No.	Name of members	Remarks/ Date of enrolment
1.	401	Ms. Sarla Goyal	18.12.1966/transferred on 5.4.1970
2.	438	MS. Alka Saxena	09.07.1969, transferred on 28.8.2016

7. RAJ VIHAR CGHS LTD

The Raj Vihar CGHS Ltd. was registered vide registration No. 1212/GH under the provisions of DCS Act & Rules. The DDA has allotted land to the society at Plot No. 13, Sector-13A, Dwarka, New Delhi-110075

The freeze strength of the society is 77. Out of which the names of 75 members has already been cleared by Rule 90 Committee and forwarded to the DDA for draw of lot.

Shri K.K.Yadav was the member of the society and having membership No.250 vide MC resolution dated 22.9.2004. Shri K.K.Yadav expired on 6.7.2007 and the society has transferred the membership in favour of his son Shri Pravin Kumar vide MC resolution dated 21.9.2008.

Now, the society has produced original records in respect of Sh. Pravin Kumar (M.No.250). The original documents have been checked and verified by the Asstt. Registrar Sh. Jitender Kumar Singh and Sh. Gulshan Ahuja.

On going through the documents submitted by the society, it has been noticed that the original member Shri K.K.Yadav has never been a resident of Delhi and has always remained posted outside Delhi although he was a Central Government employee. Further, all the

documents submitted by him including his membership application, affidavits etc. contains his addresses outside Delhi only.

Accordingly, the Rule 90 Committee did not agree to accord its approval for forwarding the name of the member to the DDA.

8. SURANGNI CGHS LTD

The Surangni CGHS Ltd. was registered vide registration No. 539/GH under the provision of DCS Act & Rules. The freeze strength of the society is 112. Out of which 111 have already been sent to DDA from time to time.

The Committee was informed that the society has produced original records in respect of Sh. Mohd. Naeem (M.No. 308) and the original documents have been checked and verified by Sh. Sanjay Jain, Asstt. Registrar (Sec-7) and have been found to be true, correct and in order by him.

The Committee was further informed that the enrolment of the member has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by the Asstt. Registrar concerned and he has recommended the clearance of the membership and the name of the member was also approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.

The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by the Assistant Registrar concerned before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the name of 01 member to the DDA to conduct draw of lots: -

Sl. No.	M.S. No.	Name of members	Remarks/ Date of enrolment	Category
1.	308	Sh. Mohd. Naeem	10.07.2002	A

9. SHIAM CGHS LTD

The Shiam Cooperative Group Housing Society Ltd. was registered in this office vide registration No. 1254/GH under the provisions of DCS Act and DCS Rules. The Delhi Development Authority has allotted land to the society at Plot No. 5, Sector-11, Dwarka, New Delhi-110075. The present proposal has been submitted by the society as per Schedule-VII of DCS Rules, 2007.

Brief history of the allotment of flat:-

The society got constructed 75 flats against freeze strength of 75 members after duly approved by worthy Registrar Cooperative Societies. The names of 72 members out of 75 have already been cleared by Registrar Cooperative Societies and forwarded to Delhi Development Authority from time to time. 02 vacancies arose due to resignation of Sh. M.C. Purohit (MS.No. 100) and due to cancellation of membership of Sh. Dinesh Goswami (MS. No. 131). The society issued a public notice on 15.1.2015 inviting application for filling up two vacancies. The approval of publication of advertisement was accorded by the competent authority. In pursuance of the advertisement 30 applications were received. The draw of lots of members

was held on 31.5.2015 in the presence of representative of RCS office and the following were successful applicants in the draw of lot:

1. Ms Rachna wife of Avnesh
2. Shri Prateek Dixit

The society has forwarded the requisite documents as per Schedule-VII of DCS Rules, 2007 of Ms Rachna wife of Avnesh Kumar (Ms. No. 239) and the same was cleared by the Rule 90 Committee and detained the membership of Sh. Prateek Dixit since he has only paid the part payment of the flat.

Now the society has submitted proposal on 30.03.2017 for clearance of the membership of Sh. Prateek Dixit (Ms. No. 240) for draw of lots as per Schedule-VII of DCS Rules, 2007. The Society has informed that Sh. Prateek Dixit has made complete payment and complied with all conditions and entitled for allotment of flat. (page 352/C).

The Committee was informed that the society has produced original records in respect of Sh. Prateek Dixit (Ms. No. 240) and the original documents have been checked and verified by the Asstt. Registrar concerned and have been found to be true, correct and in order by him.

The Committee was further informed that the enrolment of the member has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by the Asstt. Registrar concerned and he has recommended the clearance of the membership and the name of the member was also approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.

The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by the Assistant Registrar concerned before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the name of 01 member to the DDA to conduct draw of lots: -

Sl. No.	M.S. No.	Name of members	Remarks/ Date of enrolment	Category
1.	240	Prateek Dixit	31.05.2015	HIG

10. JHELUM ARORVANSI CGHS LTD

The Jhelum Arorvansh Cooperative Group Housing Society Ltd. was registered vide registration No. 1420/GH under the provision of DCS Act and Rules. The freeze strength of the society is 116. Out of which 113 members have been cleared and forwarded to DDA from time to time for draw of lots. There are two vacancy lying with the society. The name of Sh. Sanjeev Nagpal (M.No. 484) was detained due to non submission of residence proof of three years prior to enrolment.

Later on the society again submitted the proposal in r/o of the member and the original documents have been checked and verified by the then Asstt. Registrar and residence proof prior to three of enrolment has been checked by Asstt. Registrar, Sh. K.P. Suhag.

The Committee was informed that the society has produced original records in respect of Sh. Sanjeev Nagpal (M.No. 484) and the original documents have been checked and verified by the Asstt. Registrar concerned and have been found to be true, correct and in order by him.

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The Committee was informed that the case of Sh.Sanjeev Nagpal MS No.484 was placed before the Rule 90 Committee meeting held on 28.04.17 and it was observed that Sh. Sanjeev Nagpal was enrolled in violation of Rule 24(2) of DCS Rules 1973. It was observed that Sh. Sanjeev Nagpal was enrolled against a vacancy, but the relevant advertisement for filling up the vacancy under Rule 24 of DCS Rules 1973 or exemption taken in this regard by the society under Rule 19(3) of DCS Rules 2007 could not be produced before the Rule 90 Committee. It was also observed that there appears to be violation of Rule 24(2) of the DCS Rules, 1973 and returned the proposal as Sh. Sanjeev Nagpal was enrolled after the enactment of Rule 24(2) in 1997.

In the above context, the Committee was informed that Rule 24(2) came into effect on 06.08.1997 and was amended on 01.04.2005. The rule was stayed by the Hon'ble High Court of Delhi in W.P.(C) No. 1403/2006 dated 30.09.1997 titled "Rajib Makhopadhyaya and Ors. Vs. RCS". The Writ petition was dismissed vide order dated 02.07.2007(995/C to 1009/C). The High Court thereafter issued another order on 02.04.2008 clarifying that the judgement dated 02.07.2007 was prospective and was to be implemented from that date onwards. Thus, the stay of Rule 24(2) was effective from 06.08.1997 to 02.07.2007. Since, Sh. Sanjeev Nagpal was enrolled during that period i.e. 02.03.2003, hence the bar under Rule 24(2) on the member is inapplicable.


The Committee was further informed that the enrolment of the member has been found in accordance with the provisions of DCS Act, Rules and Bye-laws of the society by the Asstt. Registrar concerned and he has recommended the clearance of the membership and the name of the member was also approved by the Competent Authority for placing before the Rule 90 Committee constituted under Rule 90 of DCS Rules, 2007.


The Committee was also informed that all the requisite information as per Schedule-VII of the DCS Rules, 2007 has been obtained and checked for its correctness by the Assistant Registrar concerned before submitting the instant proposal and aforementioned recommendations to this Committee.

Accordingly, the Rule 90 Committee agreed to accord its approval for forwarding the name of 01 member to the DDA to conduct draw of lots: -

Sl. No.	M.S. No.	Name of members	Remarks/ Date of enrolment	Category
1.	484	Sh. Sanjeev Nagpal	20.04.2003	-


(SUNIL SEHGAL)
MEMBER
Dy. Secretary (L &J)


(RICHA)
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