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**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES
PARLIAMENT STREET, OLD COURT BUILDING,
NEW DLEHI-110001**

Minutes of the Rule-90 Committee's meeting held under the Chairmanship of Secy-cum-RCS constituted under Rule-90 of DCS RULES, 2007 held ON 28.04.2017 at 03:00 P.M.in the chamber of Secy-cum-RCS, Parliament Street, New Delhi, regarding clearing the proposal of Co-operative societies for draw of lots.

1. The following members of the committee attended the meeting :

- (i) Sh. Shurbir Singh (Secy-cum-RCS) Chairman.
- (ii) Sh. Indu Shekhar Mishra (Spl. RCS) Member.
- (iii) Sh. Sunil Sehgal (Deputy Secy. L & J Dept.) Member.

In addition, the Deputy and Assistant Registrars of the concerned society were also present to explain the agenda to the Committee.

2. At the outset the Chairman of the Committee i.e. Secretary-cum-Registrar Cooperative Societies welcomed the members and apprised the Committee about the Standard Operating Procedure (SOP) formulated and implemented w.e.f. 02.02.2017 for placing the cases before the Rule 90 Committee. It was emphasized that in the past, for a Housing Society more than once Rule 90 Committee meetings had been held for forwarding the names of the members for draw of lots to DDA and still for many of these societies there are number of left out cases for membership verification which would again require verification by the Rule 90 Committee for particular society again and again leaving a scope of manipulation and cheating. The intent of the SOP is to ensure that the Rule 90 committee meeting of a particular Society is held once and in one go all the membership of that particular Society be cleared either accepted or rejected.
3. The detailed Agenda about each Society to be placed before the committee had been circulated to all the members of the committee along with the meeting notice and the agenda notice is annexed at Annexure-'A'.

After detail deliberation on the agenda, the following decisions were taken:

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(i) Jhelum CGHS

The society was SOP compliant since only one left out case for clearance of membership of Sh. Sanjeev Nagpal having membership No. 484 was placed before the Rule 90 Committee.

It was informed by the concerned AR that the Sh. Sanjeev Nagpal was enrolled against a vacancy. On being asked to furnish the relevant advertisement for filling up the vacancy under Rule 24 of DCS Rules 1973 or the exemption taken in this regard by the society under Rule 19 (3) of DCS rules 2007, the AR couldn't produce either of the documents and requested for some time to re-examine the queries raised by the Rule-90 committee.

Accordingly, it was decided that the case for clearance of membership may be re-examined by the concerned AR and DR and the same be placed again along with the relevant record and facts before the next Rule 90 Committee.

(ii) Gulistan CGHS

The society was SOP compliant since only one left out case for clearance of joint membership of Sh. P.S. Gupta & Smt. Veena Gupta having membership No. 138 was placed before the Rule 90 Committee for clearance.

The case was deliberated by the committee and it was apprised by the concerned AR that the member Sh. P.S. Gupta has been convicted for the offence under section 420/468 of IPC with the direction to pay a fine of Rs. 15000/- in order dated 19.01.2016 by Ms. Richa Parihar, Plea Bargaining Judge (Link ACMM)/ East in RC No. 17/06 in the matter of CBI Vs. Bhushan Gupta and Others.

In view of above facts the case has been rejected under rule 20 of DCS Rules 2007.

(iii) Naveentam CGHS

The society was SOP compliant since only one left out case for clearance of membership of Ms. Surinder Kaur having membership no.121 was placed before the Rule 90 Committee.

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The concerned AR apprised the committee that the instant case is a transfer case due to death of the original member i.e. Sh. Sadhu Singh for transfer of membership no. 121 to Ms. Surinder Kaur. Sh. Sadhu Singh original member expired on 13.03.1990 and Smt. Surinder Kaur nominee of Sh. Sadhu Singh applied for transfer of membership on 04.03.2014. The society in its SGBM dated 04.05.2014 condone the delay and approved the transfer of membership of Sh. Sadhu Singh to Smt. Surinder Kaur.

It was deliberated that this is a case of a person who was a member of society and died on 13.03.1990 with a nomination. It was pointed out by the representative of Law Dept. that as per provisions of section 41 (1) (b) of DCS Act 2003, a nominee or legal heir has to make a claim for transfer of membership within 365 days of the death of the member failing which a person shall cease to be member of a cooperative society. In the instant case the claim for transfer of membership has not been made within 365 days of the death of original member.

Therefore, committee rejected the claim for not complying the provisions of section 28 and 41 (1) (b) of DCS Act 2003. The membership stands ceased in terms of provisions of Section 28 and 41 (1) (b) of DCS Act, 2003.

(iv) **Raman Vihar CGHS**

Though the society was not SOP compliant, the cases of 07 members of Raman Vihar CGHS were placed before the Rule 90 Committee for clearance and forwarding the same to DDA for draw of lots in compliance of directions of Hon'ble High Court order dated 08/08/2016.

It was brought to the knowledge of the Committee by the concerned AR that the member mentioned in the agenda are not the original members of the society and had acquired the membership subsequently.

On being asked to furnish the relevant advertisement for filling up the vacancy under Rule 24 of DCS Rules 1973 or the exemption taken in this regard by the society under Rule 19 (3) of DCS Rules, 2007, the AR couldn't produce either of the documents and requested for some time to re-examine the queries raised by the Rule-90 committee.

It was decided that the cases of clearance of membership may be re-examined by the concerned AR and DR and the same be placed again along with the relevant record and facts before the next Rule 90 Committee as desired by the committee.

(v) Central Delhi CGHS

Documents were submitted by the society for clearance of membership of only one SOP compliant case of Sh. Varun Sawhney s/o Sh. B.K. Sawhney having membership no.194 before the Rule 90 Committee.

The concerned Assistant Registrar informed that enrolment of the member was done on the basis of RCS Order dated 28/08/2015 and the member is not an original allottee. However, the AR couldn't show the advertisement published for filling up the vacancy or any exemption taken in this regard by the society as per Rule 24 of DCS Rules 1973 and rule 19 (3) of DCS Rules 2007.

Accordingly, the Rule-90 committee examined the case and concluded that the documents submitted by the society are incomplete as per Schedule-7 of DCS Rules 2007 which is mandatory for clearance of membership. Therefore, this case couldn't be cleared.

(vi) Shree Durga CGHS

The Deputy Registrar (Section-7) apprised the committee about a complaint forwarded by DDA against Shree Durga CGHS which needs to be disposed off in order to take the society to its logical conclusion.

Though the instant society was not part of the circulated agenda, the case of the society was placed before the committee with the permission of Chair at agenda item no.6 considering the fact that Rule-90 Committee had already forwarded the names of the members of society to DDA for draw of lots much before the SOP came into existence and the instant society's clearance was pending due to the above mentioned complaint.

In this context, some new facts emerged while examining the complaint and same were placed before the Rule 90 Committee for discussion.

The new facts emerged are as under: -

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1. MC was superseded on account of mis-appropriation of funds and Administrator was appointed. The Administrator Sh. K.S. Wahi Retd IAS prepared a list of 86 members on the basis of scrutiny carried out by screening committee formed by him but the said list was not signed by him. The screening committee has no legal sanctity regarding establishing the eligibility, however, the list of 86 members was taken as interim final list for election purpose as observed by the then Registrar.
 2. The names of 48 members were forwarded to the Administrator for verification for appropriate action in the format approved by the RCS but the Administrator did not forward his recommendations.
 3. The then Addl Registrar Sh. G.P. Singh observed that Administrator be asked to take view on 48 members within a week's time. Unless any grave abnormality is found by him, the list may be allowed for election purpose and the same was approved by the then RCS and advised the Administrator for timely action. However, Sh. K.S. Wahi did not take any action. Accordingly, the then RCS order that verification of these 48 members be got done through new Administrator and appointed Sh. C.R. Garg as Administrator, however, he filed his reluctance.
 4. Sh. G.P. Singh was appointed as Administrator to hold election of the MC of the society and he was directed to verify the membership of 48 members with help of the screening committee formed by earlier Administrator and send the proposal for approval for holding of election. Sh. G.P. Singh as advised verified the membership of 48 members and prepared a list of 126 members for holding the election. He also called GBM wherein it was resolved that election to the MC of the society be held without declaring any one as defaulter as the records of the society were not provided by the previous managing committee, with recommendations to hold election on basis of list of 126 members. The said GBM was called without prior permission of RCS office, however the same was later approved by the then RCS.
 5. The election of the new managing committee was held on **29.6.2014** on the basis of list of 126 members. In the said election of the MC, members who

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were expelled vide order dated 8.5.2015 also participated in the elections, but they were defeated and the said election have not been challenged and has attained finality.

The representative of L&J department opined that the department may decide the issue on its own and it does not need any intervention from the Rule 90 Committee for its disposal. He further emphasized that any new facts at this stage don't vitiate the proceedings done in the earlier Rule-90 Committee meeting since the society has already been cleared and did not require deliberation into the merits of the earlier Rule 90 Committee recommendations.

The committee unanimously decided that O/O the RCS may decide/examine the new facts in the complaint at their own level.

The Chairman desired that in future all Deputy Registrars/Assistant Registrars should remain present in the Rule-90 Committee Meeting and the agenda note covering all aspects of schedule-VII of DCS Rules 2007 should be placed before the Rule-90 Committee well in advance.

It was decided that the next meeting of Rule-90 committee will be held on 31.05.2017 at 3:00 P.M.

Meeting ended with thanks to the chair.

This issues with the prior approval of the Competent Authority.

Vikas Ahlawat 9/5/17
(VIKAS AHLAWAT)
DEPUTY REGISTRAR (POLICY)
Dated: 11/5/17

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Copy for information:

1. P.S. to Secretary Cooperation.
2. P.A. to Spl. RCS.
3. Deputy Secretary L & J Department.
4. All Deputy Registrars
5. All Assistant Registrars.
6. Guard File.