

URGENT

**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/PF/C.D. No.107307965/176

Dated:- 19/10/2020

Sub: - Minutes of meeting of Rule 90 Committee held on 16.10.2020

I am directed to enclose herewith the copy of the minutes of Rule 90 Committee meeting held on 16.10.2020 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.



**(M.G. SATYA)
ASST. REGISTRAR (POLICY)**

F. No. 47/RCS/Policy/2010/PF/C.D. No.107307965/

Dated:-

Copy for necessary action to:-

1. P.S. to Registrar Cooperative Societies.
2. P.A. to Addl. Registrar Cooperative Societies.
3. Assistant Registrar (Section-4/GH)
4. Assistant Registrar (Section-8/GH)
5. In-charge (Computer Cell) to upload the minutes dated 16.10.2020 on the RCS website.

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

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER RULE 90 OF DCS RULES 2007 HELD ON 16.10.2020 AT 4:30 PM UNDER THE CHAIRPERSONSHIP OF SECRETARY (COOPERATION) TO CONSIDER THE AGENDA PLACED BEFORE IT

The following officers/members of the committee attended the meeting:

- | | |
|----------------------------------------------------------|-------------|
| i. Sh. Madhup Vyas, Secretary | Chairperson |
| ii. Sh. Virendra Kumar, Registrar Cooperative Societies | Member |
| iii. Sh. Ranjeet Singh, Additional Registrar | Member |
| iv. Sh. Rakesh Sharma, Deputy Secretary, Law Department | Member |
| v. Sh. Manoj Kumar, Deputy Secretary, Finance Department | Member |

The Asst. Registrars of the concerned Housing Sections presented their respective agenda and the facts of the case before the Committee as given under:-

S.No.	Name of the H/Society	Housing Section/Name of AR	Court Case
1.	Agenda item No. 1 <u>Modern CGHS Ltd.</u>	Section-IV Sh. Tanuj Bhanot, AR	Supreme Court Matter Contempt Petition (Civil) No. 1505-1506/2017 in SLP (Civil) No. 10375-10376/2017)
2.	Agenda item No. 2 <u>Modest ketki CGHS Ltd.</u>	Section-IV Sh. Tanuj Bhanot, AR	--
3.	Agenda item No. 3 Talaganj CGHS Ltd.	Section-VIII Sh. Gulshan Ahuja, AR	High Court Matter WP(c) No. 12396/2019 titled as Jitender Lamba Vs RCS, WP(c) No. 12698/2019 titled as Shashi Kant Sehgal Vs RCS & WP(c) No. 13465/2019 titled as Vinod Kumar Jain Vs RCS

1. Modern CGHS Ltd. (Regn. No. 102/H)

Membership clearance case of:-

- (A) Mithlesh Kumar Jain (Memb. No. 123)
- (B) Sant Lal Gupta (Memb. No. 172)
- (C) Sumit Grover (Memb. No. 209)
- (D) Anjana Grover (Memb. No. 210)

It has been apprised by Sh. Tanuj Bhanot, Asstt. Registrar that the freeze strength of the society is 223 out of which 211 cases have already been cleared earlier from time to time. The cases presently under consideration relates to the membership clearance of 04 members i.e. Mithlesh Kumar Jain (Memb. No. 123), Sant Lal Gupta (Memb. No. 172), Sumit Grover (Memb. No. 209) and Anjana Grover (Memb. No. 210).



It was further apprised by the ARCS that the Hon'ble Supreme Court of India vide its order dated 18.10.2020 upheld the order dated 26.08.1997 of the RCS. The operative part of the order dated 26.08.1987 of the then RCS in this regard is given below:-

"in the circumstances the proposed expulsions are rejected against 14 persons. The society is directed to readmit the 14 persons whose names are given below:-

- | | |
|-------------------|------------------------|
| 1) Mithilesh Jain | 2) Sant Lal Gupta |
| 3) Naurang Ram | 4) Virender Kumar Jain |
| 5) Raghbir Singh | 6) Om Prakash Gupta |
| 7) Rakesh Grover | 8) Vijay Grover |
| 9) Narendra Kumar | 10) Ram Saran |
| 11) Vinod Kumar | 12) Shyam Lal |
| 13) Kashmiri Lal | 14) Shiv Prasad |

10. In view of the aforesaid order of the Hon'ble Supreme Court, I direct the society to readmit the above 14 persons as members of the society. They should be issued share certificate by the Administrator of the society immediately."

The Schedule VII proposal submitted by the society was examined in accordance with the provisions of DCS Act and Rules and found in order. The documents submitted in Schedule VII were verified by Sh. M G Sathya ARCS, Section-4/LO and Sh. Tilak Raj, Section Officer in accordance with the provisions of DCS Act and Rules. The case was thereafter recommended for being placed before Rule 90 Committee meeting for consideration.

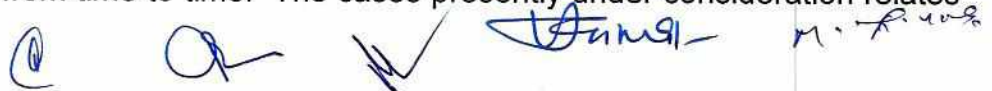
After considering the facts of the case, the Rule 90 Committee agreed to accord its approval for forwarding the names of Mithlesh Kumar Jain (M.No. 123), Sant Lal Gupta (M.No. 172) & Sh. Vijay Grover/Nominee-Anjana Grover (M.No. 210.) for draw of lots. In case of Sh. Rakesh Grover where the membership is stated to have been transferred in favour of Sh. Sumit Grover, it was noted that the membership register in respect of the said membership shows that the name of Smt. Sunita Grover is entered as nominee under the relevant column and further there are no documents except endorsement at the back of the share certificate, to indicate the modalities or the process on the basis of which the membership got transferred in favour of Sh. Sumit Grover. RCS was accordingly directed to examine this aspect and put up the matter before the committee in its next meeting.

2. Modest ketki CGHS Ltd. (Regn. No. 1385/GH)

Membership clearance case of:-

- (A) Usha Khanna and Y P Khanna (Memb. No. 686)
- (B) Amitoj Singh (Memb. No. 687)
- (C) Ram Pratap (Memb. No. 688)
- (D) Indu (Memb. No. 689)
- (E) Ramesh Kumar (Memb. No. 690)
- (F) Rakesh Kumar Jangid (Memb. No. 656)

The committee was apprised by Shri Tanuj Bhanot, Assistant Registrar that the freeze strength of the society is 226 members and cases of 217 members have already been cleared earlier from time to time. The cases presently under consideration relates



to membership clearance of six members i.e, Usha Khanna and Y P Khanna (Memb. No. 686), Amitoj Singh (Memb. No. 687), Ram Pratap (Memb. No. 688), Indu (Memb. No. 689), Ramesh Kumar (Memb. No. 690), Rakesh Kumar Jangid (Memb. No. 656).

One of the members of the Committee drew attention towards two agendas pertaining to the same society one containing 05 members and the other having only 01 member placed before the committee today. It was further pointed out that in one agenda, 04 court cases are shown pending (column No. 12) and in the other agenda pending court cases are shown to be NIL. The ARCS clarified that the old agenda having proposal for 05 members, was prepared in the year 2018 and the agenda containing 01 member was prepared in the current year and in the meantime the said 04 court cases were disposed off. Therefore the pending court case is shown to be nil. Similarly, in column no. 15 of the old agenda, 04 members are shown to be detained and whereas in the present agenda having one member, the detained cases are shown as three. The ARCS clarified that at the time the old agenda was prepared in the year 2018, 04 cases were detained and subsequently after considering the case of Sh. Rakesh Kumar Jangid in the year 2020 the number of detained cases is three.

The Schedule VII proposal submitted by the society was examined in accordance with the provisions of DCS Act and Rules and found in order. The documents submitted in Schedule VII were verified by Sh. Tanuj Bhanot ARCS, Section-4 and the concerned dealing assistant in accordance with the provisions of DCS Act and Rules. The case was recommended for being placed before Rule 90 Committee meeting for consideration.

After considering the facts of the case, the Rule 90 Committee agreed to accord its approval for forwarding the names of Usha Khanna and Y P Khanna (Memb. No. 686), Amitoj Singh (Memb. No. 687), Ram Pratap (Memb. No. 688), Indu (Memb. No. 689), Ramesh Kumar (Memb. No. 690) & Rakesh Kumar Jangid (Memb. No. 656) to DDA for draw of lots.

3. Talagang CGHS Ltd. (Registration No. 799/GH)

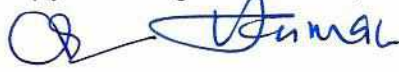
Membership clearance case of :-

- (A) Shashikant Sehgal, (Memb. No. 204)
- (B) Vinod Kumar Jain, (Memb. No. 553)
- (C) Jitender Lamba, (Memb. No. 227)

The committee was apprised by Shri Gulshan Ahuja, Assistant Registrar that the freeze strength of the society is 346 members. The cases presently under consideration relates to membership clearance of three members i.e, Shashikant Sehgal (memb. No. 204), Vinod Kumar Jain (Memb. No. 553) and Jitender Lamba, (Memb. No. 227). The ARCS briefed the committee that the cases are being put up as per directions of Hon'ble High court in WP (C) no. 12698/2019, WP (C) no. 13465/2019 and WP (C) no. 12396/2019. The matter was again heard by the court on 9/10/2020 and 12/10/2020 and it was submitted before the court that the case of the petitioners shall be put-up before the Rule 90 Committee on 14.10.2020 and the decision taken shall be uploaded on the website of RCS for intimation to the public.

In the present case, the society informed that certain crucial records i.e. membership register, copy of ledger account, copy of resolution of MC approving

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M. R. V. S.

membership, copy of affidavit filed at the time of enrolment etc. are not available with them.

It was further briefed before the committee that 05 other members have also filed court cases in the high court and a case is also pending in the FC court. There could be possibility of claims and counter claims subsequently therefore all the total pending membership cases in the society needs to be examined and settled in one go.

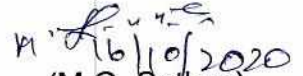
After considering the facts of the case, the Rule 90 Committee directed that the matter needs to be examined in its entirety keeping in view the present vacancy position in the society, total number of members awaiting clearance, seniority position of these members, pending court cases at various forums, availability of society records and vacant flats in the society and deferred it to the next meeting.


16/10/20

(Manoj Kumar)
Dy. Secretary/Member
Finance Deptt.


16/10/2020

(Ranjeet Singh)
Addl. RCS/Member


16/10/2020
(M.G. Sathya)
AR (Policy)



(Rakesh Sharma)
Dy. Secretary/Member
Law Deptt.



(Virendra Kumar)
RCS/Member

16/10/20



(Madhup Vyas)
Secretary (Cooperation)
Chairperson