

*“No carelessness until there is a cure Wear mask,
follow physical distancing & maintain hand hygiene”.*

**PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
M-Block , I.P. Estate (near ITO) Vikas Bhawan: New Delhi-2
Order under Para 2(B) of the PGC Resolution No. F.4/14/94-AR/dt. 25.9.97**

Date of hearing: 12.08.2021

Complainant : Sh. S.B. Sharma

Respondent : The Registrar,
Department of Cooperative Societies,
Govt. of NCT of Delhi.
Through Sh. Rakesh Gupta, A.S.O.,
Office of RCS – Present.

1. Brief Facts of the Case

- 1.1 The complainant Sh. S.B. Sharma has filed a grievance in the Commission against the Management Committee of the Central Govt. Service Land & GHS Ltd., Vikas Puri, New Delhi, stating that the Society has fraudulently obtained loan against his Flat No. 338 from Delhi Cooperative Housing Finance Corporation Ltd. (DCHFC Ltd.) and send notice to him for recovery of dues to liquidate the outstanding dues of DCHFC along with penal interest, whereas, according to complainant, he has purchased the said flat by availing HBA facility from his office. He accused members of the Management Committee for mis-appropriation of funds.
- 1.2 The complainant purchased flat No. 338 in the year 1987 and has not taken any loan from DCHFC. Even then, the Society raised demand of outstanding dues to him vide their letter dated 06.04.2017.

2. Facts emerged during the proceedings

- 2.1 Sh. Rakesh Gupta, A.S.O., Office of RCS was present in the hearing. He did not furnish any status report on behalf of the respondent department. However, he verbally submitted that the General Body of the Society, vide resolution, decided that all the member of the Society, irrespective of whether they were loanee of the DCHFC or not, had to pay their share of money for liquidating the loan of DCHFC. This was challenged by certain members in the Delhi Cooperative Tribunal (DCT). The DCT, vide its order dated 22.06.2011, upheld the resolution passed by the General Body of the Society that all members of the Society has to pay their share of this liability. Therefore, the Order

dated 22.6.2011 passed by DCT apply in the case of Sh. S.B. Sharma and he is liable to pay his dues to the Society and therefore, his request to delete his name from the defaulters list cannot be acceded. Sh. Sharma has not paid any amount towards maintenance charges to the Society as decided from time to time by the General Body of the Society since June, 1991 till date. None of the various charges that were to be paid by all the members of the Society have been paid by him so far. An amount of Rs.2,92,735/- is due from Sh. Sharma.

- 2.2 The complainant present in the hearing submitted that he has already paid the maintenance charges to the Society as decided from time to time by the General Body of the Society. However, he is not able to produce any receipts regarding the same.

The complainant submitted that the loan was taken by the Society from the DCHFC and he has been paying the loan amount to the Society in quarterly installments of Rs.6200/- together with penal interest @ 15.5 % per annum. The Managing Committee of the Society has been wrongfully coercing him to pay the loan amount, since his Flat No.338, Vikas Kunj, Vikas Puri, New Delhi – 110018 was allotted to him by the Society only after receiving full payment of Rs.89,132/- before the allotment of flat. This full payment was made with the HBA sanctioned to him by his office i.e. P&T Directorate, New Delhi and through his savings.

2.3 The President of Managing Committee of the Society submitted that the complainant has made only two payments of Rs.3000/- vide cheque No. 556113 dated 12.11.1999 and Rs.18000/- vide cheque No. 183372 dated 13.05.2009. After taking into account these two payments, the complainant Sh. S.B. Sharma has still to pay Rs.3,06,300/- to the Society till 31.08.2021. Further, the complainant has not paid any amount towards maintenance charges to the Society since June 1991 till date, as decided from time to time by the General Body of the Society, except for the above mentioned payments. He has further submitted details of dues pending with the complainant Sh. S.B. Sharma upto August 2021.

- 2.4 On perusal of the detailed list of dues pending with the complainant, it is observed by the Commission that the Society has charged late payment penalty for the period upto December 2017 @ Rs.5/- per month per Quarter amounting to Rs.1,08,605/- and for the period w.e.f. January 2018 to June 2021 @ Rs.50/- per month per Quarter which comes to Rs.15,050/-. In view of the Commission, it is arbitrary on the part of the Society to levy such exorbitant amount of penalty/interest on the complainant, a very senior citizen and advised the President of the Society to take a sympathetic view in the matter by lowering the amount of penalty under late payment charges.

However, the complainant has not been able to substantiate his claim that he has already paid the maintenance charges of the Society and no pending dues are remaining on his part and did not furnish receipts regarding the cheques through which payment was made to the Society.

3. Directions

- 3.1 The complainant has not been able to substantiate his claim regarding payment of maintenance charges to the Society and that no pending dues are remaining on his part. Further, he is also not able to furnish receipts regarding the cheques through which payment was made to the Society. Therefore, considering the fact that the complainant has no documentary proof in his possession to support his claim that payment of maintenance charges has already been made by him to the Society and taking into account the submissions of the President of Managing Committee of the Society, **the matter is disposed of in the Commission.** However, the complainant is free to approach other forums for redressal of his grievance in case he is not satisfied with the outcome of his present grievance in the Commission.

(SUDHIR YADAV)
MEMBER (PGC)

No.PGC/2021/A.II/03

Dated:

1. The Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. Sh. Ranjeet Singh, Additional Registrar, Cooperative Societies, GNCT of Delhi, Old court's Building, Parliament Street, New Delhi-110001.
3. Sh. Joseph Baxla, Asstt. Registrar (Section-II/G.H.), O/o Registrar, Cooperative Societies, Govt. of NCT of Delhi, Parliament Street, New Delhi-110001.
4. The President/Secretary, Central Government Services Co-operative Land & Group Housing Society Ltd., Regd. Office: 667, Vikas Kunj, Vikas Puri, Outer Ring Road, New Delhi – 110018.
5. Sh. S.B. Sharma