

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 20.12.2018

Complainant : Shri Rajesh Sethi, Present.
Respondent : The Registrar,
Deptt. of Cooperative Societies, GNCTD.
Grievance No. : PGC/2018/A.II/RCS/14

1. Brief facts of the case.

1.1 Shri Rajesh Sethi filed a complaint in PGC on 18.09.2018 regarding contradictory directions dated 5.7.2018 issued by Shri B.S. Thakur, Dy.Registrar, O/o. Registrar Cooperative Societies in the matter of Rajat Mehta (Flat No.133) Vs. Home Guards & Civil Defence Members Cooperative Group Housing Society Ltd., Pitampura, New Delhi, wherein the Appellant, Shri Rajat Mehta had filed an application to the Society for the transfer of membership on 1.11.2015. The Dy.Registrar-II/Appellate Authority in its order held that the conditions being imposed by the respondent society are extraneous of Section-91 of DCS Act and hence they can't be imposed upon the appellant, Sh. Rajat Mehta, by the Society.

2. Facts emerged during the proceedings

2.1 An ATR has been received from Shri Gulshan Ahuja, Asst.Registrar (S-3), on behalf of the respondent department stating that the Appellant, Shri Rajat Mehta had filed an application u/s 112 of the Delhi Cooperative Societies Act, 2003 on 12.02.2016 and wrongly filed this application in the Arbitration Branch of this Office u/s 70 of the Delhi Cooperative Societies Act. Notices were issued and it was informed to the Appellant that his application for the membership should have been filed u/s 91 of the Delhi Cooperative Societies Act. At this stage, the appellant wanted to substitute the sections in his application but it was opposed by the respondent society viz. Home Guards & Civil Defence Members CGHS Ltd. As there were contradictions in the application from the very beginning, this application was

dismissed on the technical ground with the liberty to the appellant to file fresh application under the relevant section, if he so desires.

Therefore, the appellant, Shri Raj Mehta filed a fresh application under the relevant Section 91 of the Delhi Cooperative Societies Act 2003 on 07.09.2017. The matter came up for hearing again and both the parties were present and argued the matter. After hearing both the parties, the Dy.Registrar passed an order on 05.7.2018 wherein an order was passed on merit and the transfer of membership was allowed in favour of the appellant.

The order in question has been passed by the Dy.Registrar by exercising Quasi-Judicial powers. In this regard, if the applicant is not satisfied with the Quasi-judicial orders, the available legal remedy to the Society is to file an appeal in the Delhi Cooperative Tribunal under section 112 of DCS Act, 2003.

A review petition was also filed by the Society in this regard and the same was rejected and it was communicated to the Society vide letter dated 12.9.2018.

3. Directions

3.1 In view of the remedy already available under section 112 of DCS Act, 2003, as mentioned in the ATR received from Asstt.Registrar(S-3), Office of Registrar, Cooperative Societies, GNCTD, the complainant is advised to approach the Hon'ble Delhi Cooperative Tribunal or any other relevant forum by filing an appeal for redressal of his grievances. Hence, the matter is closed in the Commission.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to:-

1. The Registrar, Cooperative Societies, GNCT of Delhi, Old Court's Building, Parliament Street, New Delhi.
2. Shri Rajesh Sethi.