

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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**Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated
25.9.1997**

Date of hearing: 29th August, 2019

Grievance No. PGC/2018/Annex.II/RCS/18

Complainant : Sh. Ankur Gupta -Present
Respondent : The Registrar,
Department of Cooperative
Societies, Govt. of NCT of
Delhi

1. Brief Facts of the Case

Shri Ankur Gupta, the complainant, has filed a grievance in the Commission on 03.11.2018 against audit of the accounts of the Society since 2015 onwards, transfer of membership in favour of applicant (buyer) in the society etc. in violation of Delhi Co-operative Society Act and Rules.

2. Facts emerged during the hearing

The complainant is present.

Shri Prem Prakash, Assistant Section Officer is present on behalf of the Registrar Cooperative Societies and submitted a report. The same has been perused and placed on file. The report filed by the office of Registrar Co-operative Societies *inter-alia* states the following :-

- i. The Auditor has been appointed by the Registrar Co-operative Societies vide order dated 28.8.2019.

ii. A representation from Administrator-cum-R.O. of the Society has been received in the matter, including initiation of action for reconstruction of membership register. He assured that the membership register will be completed soon.

iii. The request for grant of membership u/s 91 of DCS Act, 2003 of Ankur Gupta & other members has been forwarded to the concerned DRCS, who is the competent Authority, on 22.8.2019 to consider passing of order u/s 91 for grant of membership.

On the last date of hearing, the Registrar, Cooperative Societies was requested to suitably instruct the concerned Asstt. Registrar, Cooperative Societies to apprise the Commission, in person, to enable the Commission to conclude the matter. However, Shri Prem Prakash, ASO informed the Commission that Shri M.G. Sathya, Asstt. Registrar had to attend a case in the Hon'ble High Court in the matter of R.C. Balani Vs. RCS and therefore could not attend hearing.

The Commission directed the ASO to intimate the Asstt. Registrar to appear in the Commission after the High Court matter. However, neither the Asstt. Registrar appeared in the Commission nor informed the Commission about the reasons for absence.

Shri M.G. Sathya appeared before the Commission on 3.9.2019 and submitted a copy of the Order issued vide No.F.DR-II/RCS/u/s/91/Appeal-14/2019/827-829 dated 3.9.2019 issued by Shri B.S. Thakur, Dy. Registrar-II/Appellate Authority stating that the respondent society has been ordered to transfer the membership in favour of the appellant within three weeks of the issue of this order, subject to the purchase of 101 shares of the society amounting to Rs. 10,100/- as purchased by all other members + deposit of transfer fee i.e. Rs. 510/- by the appellant for the membership.

The Commission however, feels that the said order directing the complainant to purchase additional 100 shares is in gross violation of DCS Act 2003 & Rules. The said order alongwith copy of this hearing order be placed before the Registrar, Co-operative Societies, GNCT of Delhi for personal attention and as discussed over telephone the same needs to be reviewed and decided in confirmity with DCS Act 2003 & Rules. Further, the order of this Commision in the matter of Shri Sanjay Chillar be also taken into consideration while taking a decision in the instant matter.

He also submitted a copy of the letter No.F.AR.(Audit)/2018-19/Appointment Register Sl.No. 1517, dated 28.8.2019 issued to the President/Secretary, Bairwa Bharti CGHS Ltd by Shri Tanuj Bhanot, Asstt. Registrar (Audit) regarding appointment of auditor for the period 2015-16 to 2017-18 to conduct the audit of the account of Bairwa Bharti CGHS Ltd.

3. Directions of the PGC

In view of the above, the instant grievance stands closed in the Commission with the advise to the Registrar, Cooperative Societies :

- i to direct the Administrator-cum-RO to reconstruct the Membership Register of the society and
- ii review the order of transfer of membership of Shri Ankur Gupta, to resolve the issues of the complainant in accordance with provisions of the Delhi Co-operative Societies Act 2003 and the procedure being followed in other Co-operative Group Housing Societies in Delhi.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to :

1. Shri Virender Kumar, IAS, the Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. Shri M.G. Sathya, Assistant Registrar (H/Section-I), O/o Registrar Cooperative Societies, Govt. of NCT of Delhi, Parliament Street, New Delhi
3. Shrii Ankur Gupta