

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: 07.10.2020

Complainant : Sh. Arvind Sud

Respondent : The Registrar,
Department of Cooperative Societies,
Govt. of NCT of Delhi.

1. Brief Facts of the Case

- 1.1 The complainant Sh. Arvind Sud has filed a grievance in the Commission on 15.11.2019 regarding possession of CGHS flat at Rohini in Jyoti Apartment Cooperative Society (Membership for 40 years) flat No.4C, 2 BHK, Sector-14, Extn., Rohini, New Delhi.

2. Facts emerged during the proceedings

- 2.1 None from the department was present in the hearing.

- 1.2 The complainant was present in the hearing and alleged that the Society is now demanding Rs.26,16,372/- under various heads i.e. maintenance, balance cost of flat, penalty, interest and miscellaneous charges, whereas, in April 2016, the amount demanded by the Society was Rs.10,77,688/-. He claimed to have already given Rs.4,23,100/- by 15.05.1998.

He further submitted that the Society has no proper office where the Society's office bearers could be contacted. He has been trying to contact the Society's President for last 4 to 5 years but he remains unavailbale.

- 1.3 The Society's President was present in the hearing and alleged that the complainant has not contacted them since last 20 years. According to him, Sh. Arvind Sud is a defaulter who was asked in the year 2001-2002 i.e. around 19 years back, to clear all pending dues which was not done by him despite repeated reminders sent by the Society. As a

result, the then Managing Committee of the Society expelled him from the membership of the Society.

He further submitted that Sh. Sud last came to the Society on 06.01.2019 to meet him regarding payment for flat and an entry to this effect was also made in the Society's register at Guard Room. But, the complainant neither met him on that day nor tried to contact him afterwards.

He further stated that the complainant's brother also had a flat in the Society and he was given membership of the Society on clearing of his pending dues in 2009, whereas, Sh. Sud never tried to clear his remaining dues and only a nominal amount was paid by him till date. Therefore, his claim regarding possession of the flat is not correct.

- 2.4 The Society's office bearer, vide letter dated 09.07.2019, has stated that Sh. Arvind Sud is a defaulter who was asked in the year 2001 and 2002 to clear his dues which he had failed to do despite repeated requests and demands of the Society. As a result, the then Managing Committee of the Society expelled him from the membership of the Society. They further alleged that since then (i.e. for the last 18 years), Sh. Arvind Sud never tried to contact the officer bearers of the Society and now, all of a sudden leveled various allegations against the Society. Thus, according to the Society, the reason for not giving the possession of the said flat to Sh. Sud is pending final payment.
- 2.5 The complainant could not prove that the flat was allotted to him as he has neither allotment letter nor possession letter issued by the Society and is relying only on letters sent by him to the Society from time to time.

3. Directions

- 3.1 The complainant could not prove that the flat was allotted to him as no allotment letter was shown by him and he is relying only on letters sent by him to the Society on multiple occasions to buttress his claim, which is not sufficient evidence to prove his allotment or possession of the flat. Further, more than 18 years have passed since the complainant was asked by the Managing Committee of Society to clear his pending dues which he has clearly failed to do.

On the basis of above facts and limitation of being time barred and also considering the fact that the complainant has no documentary proof in his possession to stake his claim for allotment of impugned

flat, the case cannot be pursued any further in the Commission and is, therefore, stands disposed off.

**(SMT. MADHU SHARAN)
MEMBER (PGC)**

No.PGC/2020/RCS/01

Dated: .10.2020

Copy to:

1. The Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. Sh. Chandan Sengupta, Inspecting Officer/Dy. Secretary, Office of the Chief Minister, Govt. of NCT of Delhi, Cabin-03, 8th Floor, A-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
3. Shri M.G. Satya, Asstt. Registrar (Section-VII), O/o Registrar, Cooperative Societies, Govt. of NCT of Delhi, Parliament Street, New Delhi-110001.
4. Capt. Arvind Sud.
5. The President/Secretary, Jyoti Coop. Group Housing Society Ltd.