

*“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: 06.01.2021

Complainant : Shri Shyam Mohan Gupta

Respondent : The Registrar,
Department of Cooperative Societies,
Govt. of NCT of Delhi
Through
Sh. Harbans Malhotra,
Section Officer, O/o RCS

Grievance No. : PGC/2019/A.II/RCS/02

1. Brief Facts of the Case

- 1.1 The complainant has filed his grievance in the Commission on 16th April, 2019 stating that he is a part of the present Managing Committee of the society and cannot keep his eyes closed to the arbitrary and illegal working of the society. He always raised his voice against the misconduct of the present Managing Committee, but was never provided any information by the society despite specific orders from the office of RCS.

Being aggrieved by the conduct of Managing Committee, he filed specific representations with the office of RCS (Appellate Authority). Though the representations submitted by him were duly acknowledged by the society, however the office of RCS is not taking any cognizance of the complaints filed by him. He alleged that few officials of the office of RCS are mixed-up with the Managing Committee of the society.

On the basis of the internal letter, his membership from the management of the society was ceased and other members were co-opted to fill his position. He further alleged that Co-option in cooperative societies in Delhi is illegal by the directions of the RCS himself. He further alleged that the audit of the society was never conducted and no proper GBM, AGBM, SGBM were convened by the Managing Committee. No working committee as such exists in the society. Few development works were taken up by the management to siphon-off hard-earned money of the members of the society. Against the DCS Rules, the siblings of the managing committee members attended MC meeting to show majority.

The complainant has requested for action in the matter.

2. Facts emerged during the proceedings

2.1 Sh. Harbans Malhotra, Section Officer, O/o RCS was present in the hearing and submitted a Status Report dated 04.01.2021 stating therein that

“1. In compliance of your order dated 06.06.2019 and after receipt of representation dated 07.06.2019 from S.M. Gupta regarding inspection u/s 61 and inquiry u/s 62 of DCS Act, 2003, the comments of the society were obtained on the representation in r/o Sh. S.M. Gupta vide this office letter no. 47/26/GH/Sec.7/Co-op/2019/310 dated 01.07.2019.

2. Accordingly, the matter was placed before Addl. RCS for hearing as per the provisions of Section 61 of the DCS Act 2003. Accordingly, both the parties were called by the office of Addl. RCS for hearing from time to time.

3. Now, the Addl. RCS has issued an order vide endorsement No.F.Addl.RCS/U/Society-61/SUBHVIHAR/2019/2015-23 dated 18.12.2020 (Annexure I) wherein it has been held that:-

“.....the complaint is found without merits and is hereby rejected and the proceedings under Section 61 are hereby dropped.”

2.2 The complainant was present in the hearing and stated that the Addl. RCS has dismissed his appeal in an arbitrary manner by overlooking all the facts of the case and the Management Committee's acts of fraud and forgery and embezzlement of funds etc. in the garb of construction of internal road of the Society.

2.3 Sh. Harbans Malhotra, Section Officer stated that the Addl. RCS, vide order dated 18.12.2020, dismissed the appeal of the complainant under Section 61 of the DCS Act 2003. However, he has submitted that the complainant can still file his appeal against the said order of Addl. RCS in the Cooperative Tribunal.

2.4 The complainant's grievance was heard by the concerned Adjudicating Authority of the respondent department and his appeal was dismissed. Therefore, the complainant has no other option but to take recourse to challenging the said order in the higher authority i.e. Cooperative Tribunal along with other members of the Society.

3. Directions

- 3.1 The case stands disposed of as the appeal of the complainant, filed under Section 61 of the DCS Act 2003 in the Court of the Additional RCS, was dismissed vide order dated 18.12.2020. The complainant can file appeal against the said order in the Cooperative Tribunal and if he is not satisfied with the outcome of his case to be heard in the Tribunal, then he may file another complaint in this Commission regarding the same.

(SMT. MADHU SHARAN)
MEMBER (PGC)

No. PGC/2019/A.II/RCS/02

Dated:

1. The Registrar, Cooperative Societies, Govt. of NCT of Delhi, Old Court's Building, Parliament Street, New Delhi-110001.
2. The Joint Registrar (Admn.), Cooperative Societies, GNCT of Delhi, Old court's Building, Parliament Street, New Delhi-110001.
3. Shri Ajit Singh, Assistant Registrar, Office of the Registrar Cooperative Societies, Old court's Building, Parliament Street, New Delhi-110001.
4. Shri Shyam Mohan Gupta