MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER RULE 90 OF DCS RULES, 2007 HELD ON 09.06.13 UNDER THE CHAIRMANSHIP OF THE SECRETARY (CO-OPERATION) IN R/O ONE MEMBER IN SADBHAWANA CGHS.

Brief History of the Society

The society was registered on 16.11.1983. Land was allotted to the society on 18.11.1993. Due to infighting in the Management committee, claim and counter claim against various office bearers of M.C. The election process vitiated and after issuing Show-Cause Notice RCS appointed Sh. Rajinder Singh, IAS as Administrator of the society to set the house in order.

High Court Case filed by the Society:

In the Hon'ble High Court of Delhi, WP(C) No. 8873/2011 titled as Sadbhavana CGHS Ltd. Vs RCS & Ors. & Hon'ble High Court vide its the order dated 12.03.2012 directed to forward the names of the members of the society to DDA before 12th May 2012. Due to a number of complaints and severe allegations between the groups of members of the society, the proposal could not be completed in time. The society moved an application in the Hon'ble High Court which was listed on 05.12.12 in which the Govt. Counsel has explained the Hon'ble Court that 19 cases with deficiencies (including dual membership) were proposed to be detained and 46 cases would be cleared in the forthcoming Rule 90 meeting. On the next date of hearing the Hon'ble High Court was appraised that 46 cases were submitted before the Rule 90 Committee, a statutory requirement for clearing the cases, held on 11.12.12 and approved by the Committee and on the same date letter was forwarded to DDA for draw of lots and the remaining cases will also be placed before the Rule 90 Committee after deficiencies are cleared and requisite documents are received from the society. The Govt. Counsel has also submitted that we need at least 3 months time to dispose off the pending cases. The Hon'ble High Court vide order dated 18.12.12 in C.M.No.19202/2012 in WPC No.8873 disposed off the case. 4 cases were cleared in the next Rule 90 meeting held on 11.01.13 and one case was cleared in the subsequent Rule 90 meeting held on 28.01.13 and in both cases, letters to DDA were issued on the next working day.

Proposal of the Society as per Schedule VII of DCS Rules 2007:

1. Freeze Strength: Freeze strength of the society is 65. There are 65 flats in the society. Names of 51 members were already cleared.

2. Resignation & enrollment: The society has published a public notice in 2 leading daily newspapers namely, Veer Arjun in Hindi & Statesman in English on 10/05/2008 and 13.05.2012 for inviting objection on the proposal regarding clearance of membership for allotment of flats by draw of lots. The President/Secretary of the society has submitted an Affidavit that till date no objections have been received from any person.

3. Election: Last election was held on 26.03.2011 by the R.O. appointed by RCS.

4. Audit position: Audit completed up to 2010-11.

5. AGBM: Last GBM was held on 08.04.2012.


8. Loan Position: NOC from DCHFC and other financial institutes in r/o members who have availed loan has been submitted by the society.

9. Expulsion cases: That 14 members were expelled from the Society after following due process of law and seeking approval from the Registrar of Cooperative Societies, Delhi. Apart from these 14 cases of expulsion, the Spl. RCS vide his order dated 11.04.12 also approved, expulsion of 31 members of the society.
10. Category of flats: There are 4 categories of flats A1, A, B, C & D

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<tbody>
<tr>
<td>1</td>
<td>A1</td>
<td>16</td>
</tr>
<tr>
<td>2</td>
<td>A</td>
<td>16</td>
</tr>
<tr>
<td>3</td>
<td>B</td>
<td>16</td>
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<tr>
<td>4</td>
<td>C</td>
<td>16</td>
</tr>
<tr>
<td>5</td>
<td>D</td>
<td>1 = 65</td>
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11. Court cases complaint: Society has submitted that there are five number of cases are pending in the court of Hon'ble Financial Commissioner and one in the Delhi Co-Operative Tribunal.


14. Details of detained cases: Society has not detained any of its members.

15. Affidavit-D and Form – E: - The society has submitted affidavit in Form D in respect of resigned & enrolled members duly signed by the Office bearers of the society.

16. Genuineness of Membership: - The Certificate of verification from Gazetted officer has been submitted by the society in r/o all the members.

17. Non submission of verification certificates: All the members of the society have submitted verification certificates.

18. Publishing in the newspaper: The society has published public notices in two leading daily newspapers namely, Veer Arjun in Hindi & Statesman in English on 10/05/2008 and 13.05.2012 for inviting objection on the proposal regarding clearance of membership for allotment of flats by draw of lots. The society has submitted a CD having details of resigned/ proposed members for display on the website of the Department.

19. Revised proposal in case of objection: - The society has submitted that no objection has been received from any person/member against the notice published in the newspapers.

20. Affidavit in form G: - The society has submitted in affidavit in form G.

21. Affidavit in prescribed form- H: - The society has submitted affidavit in form H.

22. Original Record: The society vide letter dated 17.01.13 informed that the Ex-Secretary Sh. N.K. Srivastava has not handed over the original record. The member has submitted original Indemnity Bond, copies of cash receipts and correspondence made with the society.

23. List of members are proposed to be detained: The following members are proposed to be detained due to reasons mentioned against each:

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<tr>
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<th>M.S. No.</th>
<th>Name of the Member</th>
<th>Deficiency</th>
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<tbody>
<tr>
<td>1</td>
<td>213</td>
<td>Nishi Gupta</td>
<td>Complaint of dual membership/case in the court of RCS</td>
</tr>
<tr>
<td>2</td>
<td>249</td>
<td>N.K. Sethi</td>
<td>Complaint of dual membership/case in the court of RCS</td>
</tr>
<tr>
<td>3</td>
<td>251</td>
<td>Rohit Narang</td>
<td>Complaint of many memberships/case in the court of RCS</td>
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<tr>
<td>No.</td>
<td>Name of the member</td>
<td>MS No.</td>
<td>Category</td>
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<tr>
<td>1.</td>
<td>SH.KULDEEP &amp; SEEMA HANDA</td>
<td>275</td>
<td>'C'</td>
</tr>
</tbody>
</table>

This case initially detained as a complaint was received that his Sh. Kuldeep / Seema Handa is having a property of H.No.361/GF, Pocket-A, Phase-II, Sector-17, Dwarka, New Delhi-75. The case was processed in the court of RCS. The RCS vide his detailed order Case No.RCS/47/SW/GH/441-446 dated 13.05.13 has cleared their membership with the observation that “Sh.Kuldeep Handa and Smt. Seema Handa do not attract any disqualification under Rule 20(1)(C)(iii) of DCS Rules, 2007 with the direction to process their case for clearance of names for draw of lots”. This case is placed before the committee and approved.

I, A.K. Verma, Assistant Registrar (South-West Zone) have personally verified the Order of RCS and related documents found them to be correct and true.

(A.K. VERMA)

ASSTT. REGISTRAR (S/W)

1. The Secretary (Co-Operation)/ Registrar Co-Operative Societies.
2. Addl. Secretary (Law)
4. Dy. Secretary (Finance)