

OFFICE OF THE ADMINISTRATOR
ASHA DEEP COOP GH SOCIETY, PLOT NO.- 3B,
SECTOR-02, DWARKA, NEW DELHI-110075.

F.No.- DOE/ASHADEEP/RCS/2023/

Dated: 20.05.2024

NO.-66

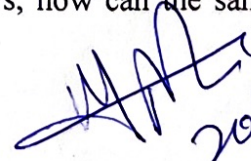
To,

Sh. Bijender Singh, Flat No.-A-501,
Asha Deep Apartment, Sector-02, Dwarka , Delhi

Sub:- Irregular payment to the contractor - recovery thereof as per the decision of the Special General Body Meeting held on the 21st April, 2024 – reg.

Ref:- Invited to your letter dated 17.05.2024 in response to my letter dated 15.05.2024 on above noted subject.

1. I observe that whenever a reply is sought from you regarding violations of rules or financial improprieties, you habitually send your reply with a threatening tone of legal action against me. You please eschew such a threatening tone and tenor. If you, however, wish, you are free to resort to legal action. Moreover, you are a non-entity to comment on my tenure or about my authority to send a letter to you on the subject noted above.
2. As an administrator, I am under the obligation to run the affairs of the society as per DCS Act and Rules. The facts mentioned in your reply dated 17.05.2024 are meritless in view of the lack of proper appreciation of the provisions of DCS Act and Rules. The undersigned mentioned the position of the rule in my letter dated 15.05.2024 and would require you to send the reply accordingly.
3. As regards your contention about no change in membership records after the declaration of election due to "code of conduct", it is a baseless argument that you may get enlightened after going through the provisions under Schedule II of Rule 53 of DCS Rules, 2007.
4. The declaration of the date of the election would be a fruitless exercise unless a proper voting list is prepared based on DCS Act and Rules which the undersigned is following. A list of valid members is required to be prepared for conducting the elections as no valid membership register is available in the society office. I have written to the CBI Court to return the membership register but the reply from there is still awaited. As the agenda items for the elections have already been issued, the requirement is to have a valid membership register to conduct flawless, free and fair elections. While preparing the voter list, the undersigned noticed that the due process was not followed in giving membership to the new purchasers. After scrutiny of the personal files of the new purchasers, certain deficiencies were noticed, which require proper rectification.
5. The declaration of elections of the MC does not prohibit undersigned from including the members only in the list of voters and during this course of my action, it was found that you have not completed the necessary formalities hence, unless you complete such formalities and provide all the required documents, your name cannot be included in the voter list.
6. Your allegation of vendetta is imaginary. There is no question of vendetta and whatever actions being taken are as per the provisions of DCS Act and Rules. I have taken cognizance of the applicable rule positions in the preparation of the voting list and acted as per the decisions of the General Body Meetings in dealing with the affairs of the society.
7. It is wrong to say that you alone have been targeted. The notice in the matter has also been sent to other purchasers who have been asked to give necessary information/documents as per the deficiencies noted and highlighted.
8. It has been confirmed by the Manager of the society that no society documents as handed over to me by the erstwhile Managing Committee are missing after my taking over as an Administrator. All the documents handed over after my appointment as the Administrator are intact. If the documents have not been submitted by the purchasers, how can the same be


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available on the file? In your case also, it is confirmed by the Manager that you had not submitted the documents as mentioned in my letter dated the 15th May, 2024. Hence, there is no question of the misplacement/loss of the documents from the file. The required appropriate action now is to procure a copy of these documents from the purchasers, if they claim to have filed. If you do not have those documents readily available with you, please submit a copy of the acknowledgement in lieu of the submission of the relevant documents to the society for your enrolment as a member of the society.

9. As regards your participation in the previous elections of the MC of the society, it was irregular, and your irregular participation cannot give you ground for your membership in the absence of completion of the necessary formalities and submission of the mandatorily required documents. If you feel aggrieved against the course of my action, you are free to get your grievances redressed at the appropriate forum.

10. Moreover, I am not responsible for the action of the previous MC, if they erred and had given you membership without completing the due process as per the provisions under DCS Act, Rules and bye-laws of the society. I am duty bound to follow the provisions of DCS Act and Rules in preparing the list of members who are eligible to participate in the election process.

11. I do endorse your view that the GBM cannot be above the provisions of DCS Act and Rules which specifically provide the procedure for the grant of membership and if the membership has been given in violation of the extant rules, the same is patently irregular and *void ab initio*. I, being the Administrator of the society, am accountable for setting the system right in compliance with the applicable Rules.

12. If you find that Forms 18 and 19 are not relevant as on date and the same has been abolished as you have stated, please provide me a copy of the relevant amendment in the rules. It is my firm view that there is no change in this regard, and you are bound to comply with this provision.

13. If you have applied for transfer of share in Form 20 accompanied by an affidavit in Form 21 on a stamp paper of ₹10 to the effect of discharging the society from all the liabilities, please share a copy of the same which you submitted to the society to keep the same on your personal file. The provisions under Rule 25 of DCS Rules, 2007 do not give you any relaxation in this regard.

14. As regards property documents, you have not been asked for the submission of the property documents. Therefore, the reply in this regard is superfluous.

15. As regards the share certificate of the original allottee, it is not available on the file. I have not asked you for your share certificate which had been given to you by the then Managing Committee. I have mentioned the share certificate of the allottee which is required to be surrendered to the society. Please try to understand with clarity about the requirements and do not exaggerate the issue.

16. As regards the provision under Section 87 of DCS Act, 2003, it is about additional grounds for cessation of membership of cooperative housing society, once it is given to you based on your eligibility to become a member of the society. Therefore, you are first required to give a declaration as mentioned in bye-law 5(iv) in the **attached proforma**.

You are requested to complete the formalities/provide the documents as mentioned in my letter dated 15.05.2024 read with the above noted further clarification within 5 days failing which it would be presumed that you have nothing to say in this regard and further action would be taken accordingly.


(V.S. MALIK)
Administrator

Copy for information to:-

1. Asstt. Registrar (Sec.-VII/GH) Co-operative Societies, Old Court Building, Parliament Street, New Delhi