

5009/Adl Rcs  
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File No. 5024, Dated 1/7/13  
Registrar of Cooperative Societies  
Parliament Street,  
New Delhi. Date: 01.07.2013

To,  
The Registrar Cooperative Societies  
Parliament Street  
New Delhi

Secy (Co-op) Rcs  
Adl. Rcs  
12/7/13

Subject: Objection to the Draft Seniority List of 108 Members. - MAITRI AP TTS.  
(MAITRI NAGAR COOP. GR. H. SOCIETY LTD. PLOT NO: 29  
SECTOR-9, ROHINI, DELHI-110085)

Not ulr  
Surreal.  
AR(NW)  
Please expedite  
put up  
03/07/13.

Sir,

It is submitted that the office of the Registrar vide letter dated 11.03.2013 had drawn seniority list of 107 members. The said list was filed by the Office of the Registrar Cooperative Societies before the Hon'ble High Court of Delhi in W.P.(C.) No.5785 of 2012. A copy of the said list is annexed herewith and is marked as Annexure A. The said list was prepared on the basis of law settled by the Hon'ble High Court in the case of Shri S.K. Gambhir v. Union of India and others.

DR (NW)

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Thereafter your office has now published another list, without (APP-13) verifying the records which is altogether different and is contrary to the settled position of law, which was earlier followed by you.

3896/DR III  
03/07/13

It is submitted that in terms of the provisions of Section 37(3), the Administrator shall, subject to the control of the Registrar and to such instructions as may from time to time give, exercise power and perform functions of the Committee or any officer of the Cooperative Society and take all such actions as may be required in the interest of the cooperative society but shall not be empower to enroll new members without the prior approval of the Registrar. Meaning thereby, the Administrator is the nominee of the Registrar and acts under his supervision and control.

It appear from the noting sheet that notices were ordered to be issued to the Administrator directing him to appear before the Additional Registrar, Cooperative Societies/AR(NW-II) along with the requisite information and record. But it appears either he has not received notice or he has avoided and neglected to appear and produce records.

On the visit by the some of the members, the members have been informed that the Administrator despite directions has not appeared and the seniority list has been disturbed in violation of the settled position of law. It is held in W.P. (C.) No.1116/1984 entitled Shri S.K. Gambhir v. Union of India and others as follows:-

"12. There are some rules amongst the rules framed under the Delhi Co-operative Societies Act, 1972, i.e., Delhi Co-operative Societies Rules, 1973, which deal with the admission of members. Rule 29 states that no Society should admit members within one months prior to the date of a meeting of its general body. Then there is Rule 30, which states that an application for membership shall be arranged in a particular manner. The manner is that is will be given a serial number, date of receipt, name and address of the application, decision of the committee and the date of resolution of the Committee. It is also stated that it is to be disposed of within one months from the date of its receipt, and if there is refusal to admit, such society shall communicate this decision. In the case of membership of a house-building society, there is a further difficulty because not every one is eligible for membership. He must be a person who is not a member of another house building society and he must also not be the owner of any plot. Affidavits in this behalf have to be filed. So, it is not a matter which is quite as simple as in the case of other Co-operative societies.

We are surprised to note that there is no such register maintained by the new Rajdhani Co-operative House Building Society Ltd., as is visualized by Rule 30. Then in sub-rule (4) of this Rule, it is provided that the membership amount has to be deposited within 14 days after passing of the resolution of the Managing Committee approving the membership."

"13. ...The payment of the money is to be after the resolution and not before. **It is a totally irrelevant consideration for the fixing of priority of membership.** We have no hesitation in having been made dependent on the date of payment of share money. It is the date of the resolution of the Committee which determines the date on which a member is admitted. This is clear from practical experience and also the reading of Rule 30".

"14. To give an example of the above, one may consider an application for membership of a society, a Club, or an application for shares in a limited company. One may apply for membership of a Club and not become a member for several years, as is the case with many popular Clubs. The date one becomes a member, is the date on which the membership application is accepted and not the date on which the application is made. The fact that the payment of the membership fee is made with the application, or after the Committee's decision, is an irrelevant consideration. The date of membership in any case is the date when the application for membership is accepted. The payment of the relevant amount may be postponed at the discretion of the Club, or may be taken in advance or any other arrangement may be made

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for the same. But, still the membership will rank from the date of the resolution accepting the application for membership".

"17. ...As already observed above, a person become a members only when his application is accepted and not before. This is true of the institutions like Clubs, Associations, Limited Companies, and other similar bodies. It does not at all depend on the date of the payment of the money or the date of submission of the application form. This is the first principle on which the order of membership must be determined".

From the above, it is evident that if a number of persons are admitted on one date as members, then all are placed at par, however, their inter se seniority is determined on the basis of the application submitted by them as per the provisions of Rule 30. A person, who has made an application later will be member junior to the one who has applied earlier.

In view of the above, you are requested to modify your list and bring it in conformity with the list as communicated about vide letter dated 11.03.2013.

- |   |                  |                         |
|---|------------------|-------------------------|
| 1. PARVEEN SINGLA                         | Purvesh Singh    | PLATE 34 - (9811030514) |
| 2. RAKESH BHASIN                          | (R. Bhasin)      | 27 (9811292185)         |
| 3. PRAMILA AGGARWAL<br>(GPA MUKESH GUPTA) | (M. Aggarwal)    | 18 (9899810001)         |
| 4. JAI SHRI GARG                          | Jai Shri Garg    | 6                       |
| 5. T.K. GUPTA<br>(GPA PRAMILA AGGARWAL)   | Bramika Aggarwal | 20                      |
| 6. G.K. SHYAM                             | (G.K. Shyam)     | 7                       |
| 7. H.R. LAL                               | (H.R. Lal)       | 006                     |
| 8. MANJU SINGLA                           | (Mani)           | 409                     |

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