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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15246/2022**

SH. KAMAL KUMAR BASSI & ANR.

.....Petitioners

Through: Mr. Anil Kumar and Ms. Apoorva
Chaudhary, Advs.

versus

THE REGISTRAR COOPERATIVE SOCIETIES & ANR.

.....Respondents

Through: Mr. Abhinav Sharma, Adv.
Dr. KS Bhati & Mr. Ayush Yashaswi,
Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **07.05.2026**

1. This hearing has been done through hybrid mode.
2. Ld. Counsel for the Petitioners is again seeking an adjournment today, which is opposed by Id. Counsel for Respondent No. 2– Society.
3. The challenge in this case is to the order dated 29th July, 2022 passed by the Financial Commissioner, Delhi, by which the Financial Commissioner has upheld the order passed by the RCS dated 18th October, 2016.
4. The Petitioners– Mr. Kamal Kumar Bassi and Mrs. Archana Bassi are both husband and wife.
5. In May, 2008, a complaint was filed before the RCS against the Petitioners on the ground that the Petitioners have various memberships in three different societies and hence, shall be disqualified from continuing the



membership in the Society- Shiam Cooperative Group Housing Society Ltd., Plot No. 5 D, Sector-11, Dwarka Phase-I, New Delhi-110075 (*hereinafter, 'the Society'*).

6. Pursuant to the said complaint which was received by RCS, a show cause notice was issued to the Petitioners on 16th April, 2008 under Rule 20 of the DCS Rules, 2007, to which a reply was also filed by the Petitioners.

7. The RCS, *vide* order dated 18th October, 2016 had held that Mrs. Archana Bassi had continued to remain a member of Mount Everest Cooperative Group Housing Society Ltd. after having withdrawn from Shiam Cooperative Group Housing Society Ltd. and Om Cooperative Group Housing Society Ltd. It was further held that she was unable to prove any independent source of income to finance the cost of a flat in the Mount Everest CGHS Ltd. In effect, the order of RCS held that Kamal Kumar Bassi should not have applied for membership in Shiam CGHS Ltd. because his wife Archana Bassi was already having membership in Mount Everest CGHS Ltd acquired in April 1996. The findings of the RCS are set out below:

“9. Documents filed by Smt. Archana Bassi shows that after having withdrawn from Shiam CGHS Ltd and Om CGHS Ltd, she remained a member of Mount Everest CGHS Ltd and got allotment of flat in this society, but she failed to prove her independent source of income to finance the cost of the flat in Mount Everest CGHS Ltd. Her husband Sh. Kamal Kumar Bassi acquired membership in Shiam CGHS Ltd on 08.12.1998. Smt. Archana Bassi appears to be holding benami membership in Mount Everest CGHS Ltd. Sh. Kamal Kumar Bassi should not have applied for membership in Shiam CGHS Ltd because his wife Smt. Archana Bassi was already having membership in Mount Everest CGHS Ltd acquired in April 1996.



Therefore, in pursuance of provisions under rule 20 (4) of DCS Rules 2007 (corresponding rule 25 (4) of DCS Rules 1973), I am of the considered view that Sh. Kamal Kumar Bassi incur disqualification from membership of Shiam CGHS Ltd (membership acquired later) under rule 20 (1) (c) (iii) of DCS Rules 2007 (corresponding rule 25 (1) (c) (iii) of DCS Rules 1973. Further, since Smt. Archana Bassi acquired membership of the Shiam CGHS Ltd and Om CGHS Ltd by misrepresenting the facts, the managing committee of Shiam CGHS Ltd and Om CGHS Ltd is hereby directed to take legal action against Smt. Archana Bassi under relevant provisions of law.”

8. A revision petition was filed by the Petitioners against the order dated 18th October, 2016 before the Financial Commissioner, Delhi, who also came to the same conclusion and upheld the order passed by the RCS. The findings of the Financial Commissioner in its order dated 29th July, 2022 are as under:

“7. The main contention of the Petitioners is that the he has not incurred disqualification under Rule 20(1)(C)(iii) of DCS Rules, 2007 because the memberships taken by his wife were from her own resources. In support he has filed copies of Income Tax Returns of himself and his wife. The Respondents on the other hand have averred that the Petitioners have acquired memberships in three different societies and have thus incurred disqualification as per DCS Act and Rules whereby it is envisaged that membership in only one such society can be held by any person provided neither he nor his spouse nor any of dependent children should be a member of any other Cooperative Housing Society in the Union Territory of Delhi.

8. It is seen from the impugned orders passed by the Registrar Cooperative Societies that the RCS before passing the same has given ample opportunity of



personal hearing to all the parties concerned. The RCS has gone through the judgements cited by the Petitioners herein. The Registrar of Cooperative Societies had also gone through the submissions of all the Societies where the Petitioner No.1 and Petitioner No.2 were having memberships. Petitioner No.2 has since resigned from two Societies and is currently having membership in one Society and a flat has already been allotted to her by that Society. The RCS has held that the Petitioner No.1 herein has acquired membership in the Society subsequently when his spouse had already acquired membership in another society. Thus, the Registrar of Cooperative Societies has held that the Petitioner No.1 had incurred disqualification under Rule 20(1)(c) (iii) of DCS Rules, 2007.

9. The provisions contained in Rule 20(1)(c) (iii) and Rule 20(2) of the Delhi Cooperative Societies Rules, 2007 are also gone into which are reproduced hereunder –

20. Disqualification of membership

(1). No person shall be eligible for admission as a member of a co-operative society if he:-

(a)

(b).....

(c) In the case of membership of a co-operative housing society,

(i).....

(ii)....

(iii) his spouse or any of his dependent children is a member of any other cooperative housing society.

(2). Notwithstanding anything contained in the rules or the bye-laws of the co-operative society, if a person becomes, or has already become a member, subject to any disqualification specified in sub-rule (1), he shall cease to be a member from the date when the disqualifications were incurred.



However, before disqualifying a member, the Registrar shall give an opportunity of personal hearing to the concerned member and the society.

10. The Petitioner herein has relied upon many judgments relating to memberships acquired by husband/wife and thereafter either of them acquired any other property. But in the present case the membership was acquired by the Petitioner No.1 subsequent to the memberships acquired by Petitioner No.2, his wife, meaning thereby that the Petitioners herein have submitted false undertaking/declaration and Affidavit while obtaining the memberships in different societies. It also means that both the petitioners were having memberships in their names in different societies at the same time. The copies of Income Tax Returns filed by the Petitioner No.2 in support of her income are from the year 1996, appears to be an afterthought.

11. In the light of the above, this Court finds no infirmity in the impugned orders dated 18.10.2016 passed by the Registrar of Cooperative Societies and the same are upheld. The present Revision Petition is accordingly dismissed. No order as to costs.

12. Pronounced in the open Court on 29th July, 2022.”

9. Ld. Counsel for the Petitioners is unable to satisfy the Court as to why the order of the Financial Commissioner is incorrect. In the opinion of this Court, there is no infirmity in the order passed by the Financial Commissioner, Delhi.

10. At this stage, the main Counsel for Petitioners has appeared online, while the Court was dictating the matter.

11. Ld. Counsel for the Petitioners submits that the property of Mrs. Archana Bassi is a self-acquired property.



12. However, both the RCS and the Financial Commissioner have come to contrary findings on this fact.
13. While exercising writ jurisdiction, this Court is not inclined to go into this factual issue.
14. However, ld. Counsel for the Petitioner prays for an opportunity to make submissions.
15. The matter is accordingly adjourned to 19th May, 2026, subject to payment of Rs. 20,000/- as costs to the Shiam Co-op G/H Society Ltd.
16. List on 19th May, 2026 in the supplementary list.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MAY 7, 2026

dj/ss