

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No. 207/2014

Appeals under Section 112(a) of Delhi
Co-Operative Societies Act, 2003

In the matter of :

Mansi Coop(URBAN) Thrift & Credit Society Ltd
(Proposed)

WZ-363/80, Gaj Shiv Mandhir,
Police Chowki, Tilak Vihar,
Tilak Nagar Delhi-110018.

Through Its Chief Promoter Sh. Om

.....Appellant

VERSUS

The Assistant Registrar(West)
Office of the RCS,
Parliament Street, New Delhi.

.....Respondent

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 26.05.2015

1 This order will disposed of the appeal filed by the appellant namely Mansi Coop(URBAN) Thrift & Credit Society Ltd under section 112(a) of Delhi Co-Operative Societies Act,2003 against the impugned order F.AR/West/2013/70 dated 27.01.2014 passed by the Assistant Registrar(West) vide which Assistant Registrar(West) conveyed that *“Since the Thrift & Credit society registered in NCT of Delhi have whole of NCT of Delhi as their area of operation and as such the number of Thrift & Credit Society operating in NCT of Delhi as well as in the area in question appears to the adequate. In view of it, their appear to be no justification for allowing fresh registration of Thrift & Credit Society in the area in question. Accordingly, the application for new society tilted as “The Mansi Coop T/C Society Ltd” is rejected by the Competent Authority”*.

2 Society has filed the appeal u/s 112(a) of DCS Act 2003 on the followings grounds mainly:

(i) This said order is not only arbitrary but also illegal and against statutory provisions envisaged in Registration of Societies Act.

(ii) That impugned order failed to elaborate that on what basis he drew conclusion that society in NCT already registered are adequate. Thus by passing impugned order Assistant Registrar has put a blanket ban on registration of new societies.

(iii) That before passing impugned order Asst. Registrar did not give any opportunity to appellant society of being heard, thus impugned order suffers from serious infirmities.

3. I have considered all the facts and documents on record and it has been observed that in the impugned order it has not been mentioned that whether in pursuance of any section or rule of Delhi Co-Operative Societies Act, 2003 or Delhi Cooperative Societies Rules, 2007 any restriction on the number of societies to be registered in Delhi has been laid down. However, Rule 9 of Delhi Co-Operative Societies Rules, 2007 has vested powers with the Registrar for refusing to register a Co-operative Societies on the following grounds :

“(1) The name of the proposed Co-operative Society is identified with or which nearly resembles the name of an already registered co-operative society or the name is in contravention of any law for the time being in force;

(2) In the opinion of the Registrar, the name of the proposed co-operative society, is likely to deceive or mislead the members of the public as to its nature or identity;

(3) In the opinion of the Registrar, the aims and objects of the co-operative society are similar to those of a co-operative society already functioning in that particular area satisfactorily and other co-operative society in the same area may not be viable.

(4) Except otherwise permitted, the members of a co-operative society do not reside within the area of its operation or in the opinion of the Registrar are drawn from heterogeneous elements.

(5) If in the opinion of the Registrar, area of operation of a co-operative society extends over an un-manageable area.

(6) The proposal of registration of a co-operative society is against the principles of co-operation.

(7) Any other ground considered just and equitable by the Registrar.”

4 In the impugned order dated 27.01.2014, the Department has not furnished any cogent basis for rejecting the application of appellant.

5 In view of above, it is clearly evident that there is an element of arbitrariness in the rejection of the appellant's application for registration of the thrift and credit societies. The impugned order is therefore set aside. The matter is remanded back to the RCS with the direction to pass a well reasoned order after hearing the concerned parties as per the provision of Delhi Cooperative Societies Act and Rules within a period of one month, from the date of issue (pronouncement) of this order.

6. Announced in the open Court.

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(NAINI JAYASEELAN)
FINANCIAL COMMISSIONER
26th MAY, 2015.