

COMMISSION REPORT

**SARASWATI KUNJ
SOCIETY**

2018

TABLE OF CONTENTS

1. Report of the Commission.

2. Books of Annexures: Book 1 to Book-19

1. Book-1

- | | |
|-------------------------|---|
| 1. Annexure-O (I) | Category wise list of objections. |
| 2. Annexure-O (II) | Gist of objections & Observations of the Commission. |
| 3. Annexure I to 9 | Letters of Deputy Registrar, Assistant Registrar,
Inspector Cooperative Societies, Secretary and
Treasurer of The Saraswati Kunj Coop. House
Building Society Ltd. Wazirabad, Gurgaon. |
| 2. Book-2-Annexure-K-I | List of Genuine Members from Sr. No. 01 to 4696. |
| 3. Book-3-Annexure-K-2 | List of Genuine Member from Sr. No. 4697 to 8700. |
| 4. Book-4-Annexure-M-1, | Merit list of Genuine Members in R/o 100 Sq yds plots. |
| 5. Book-5-Annexure-M-2 | Merit List of Genuine member of R/o 250 Sq yds plots. |
| 6. Book-6-Annexure-M-3 | Merit List of Genuine members in R/o 500, 700, 1000
& 1250 Sq Yds plots. |
| 7. Book-7-Annexure-U | List of all registered plots. |
| 8. Book-8-Annexure-U-I | List of registered plots whose membership no. and
amount is untraceable /unmatched. |
| Annexure-U-2 | List of Genuine members & EWS Members who have
Registered plots but Amount paid is Zero, Debit and
Marginal. |
| Annexure-S | List of those who have possession letters without paying
full amount. |
| Annexure-O-3 | Photocopies of Membership Register and Personal Ledger
in R/o Membership No. 6510 |

9. Book-9-Annexure-T Merit List of members Sr. No. 8701 to Sr. No. 9200.
10. Book-10-Annexure-N-1, Merit list of Non Genuine Members in R/o 100 Sq. yds
11. Book-11-Annexure-N-2 Merit list of Non Genuine Members in R/o 250 Sq. yds
12. Book-12-Annexure-N-3 Merit list of Non Genuine Members in R/o 500, 700,1000
& 1250 Sq. yds.
13. Book-13-Annexure-R List of All members who have been refunded Share
Capital & Land Cost.
14. Book-14-Annexure-R-1 List of Genuine members who have been refunded Share
Capital but have credit balance.
15. Book-15-Annexure-V List of Share Certificate issued after 23-11-1995.
16. Book-16-Annexure-Q-1, Final Balances of Sr. No. 00000 to 04181.
17. Book-17-Annexure-Q-2 Final Balances of Sr. No. 04182 to 09889.
18. Book-18 Annexure Q3-(I) List of Persons with Debit Balance.
Q3-(II) List of Persons with Zero Balance
Q3-(III) List of EWS Members.
19. Book-19-Annexure-P-I to P(VI) Financial Data in R/o Balance Sheet Profit & Loss,
Trial Balance, Suspense Member Detail, Suspense
account etc. from 01-04-82 to 29-12-04.

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

In June 2016 the Government of Haryana constituted a Commission under the Chairmanship of Mr. S. P. Sharma, retired IAS, with the Additional Deputy Commissioner, Gurgaon, the District Town Planner, Gurgaon, and the Deputy Registrar, Cooperative Societies, Gurgaon as members, to resolve the long outstanding issues of The Saraswati Kunj House Building Society, Wazirabad, Gurgaon.

The Commission started its work on the 16th June 2016, and after completing its work, submitted its report to the Chief Minister, Government of Haryana on 7th August 2017.

The Government of Haryana, after considering the report of the Commission, decided to give an opportunity to the concerned/ stake holders to file objections/ representations, if any, to the said report.

The report of the Commission was, therefore, uploaded by the Cooperation Department on its website www.rcsharyana.gov.in.

Two public notices were issued by the Registrar, Cooperative Societies, Haryana, the first one on 8th December 2017, in two newspapers, the Hindustan Times and The Tribune, inviting objections to the report of the Commission within a month of the publication of the notice, that is up to 7th January, 2018, and the second on 12th January, 2018, again in the same two newspapers, extending the date for submitting objections/ representations to the report up to 31st January, 2018.

These objections were to be submitted to the office of the Deputy Registrar Cooperative Societies, Gurugram.

Government also decided, vide Haryana Government, Cooperation Department Notification No.7677-C-6-2017, Chandigarh, dated 20-11- 2017, that the objections/ representations so received, would be considered by a Commission consisting of the following

- | | |
|---|----------|
| 1. S.P.Sharma, IAS(Retd) | Chairman |
| 2. Deputy Commissioner, Gurugram, | Member |
| 3. District Town Planner, Gurugram, | Member |
| 4. Deputy Registrar, Cooperative Societies,
Gurugram | Member |

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

While the earlier Commission constituted in 2016 had the Additional Deputy Commissioner, Gurugram as a member of the Commission, the present Commission notified in November 2017, has the Deputy Commissioner, Gurugram as a member of the Commission.

Thus the membership of the Commission has been scaled up by the Government.

In terms of this notification, the Chairman of the Commission assumed charge on the 9th of January, 2018, after the expiry of the first period of inviting objections.

However, subsequently the Government extended the date of receipt of objections up to January 31st, 2018.

The Commission could only start its work once the objections to its report were received by it.

The office of the Deputy Registrar, Cooperative Societies, Gurugram, started sending the objections received in his office to the Commission towards the middle of January, 2018, and by the end of February 2018, about two thousand files, containing objections to the report of the Commission by various interested persons had been received by the Commission.

Subsequently more files were received in April and May and even June in the office the Commission.

Some files were received from the office of the Registrar Cooperative Societies, Haryana.

Four files were received directly from the office of the Chief Minister, Haryana.



30

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

The total number of files/ letters containing objections/ observations/suggestions etc. against the report of the Commission that were received in the office of the Commission comes to 2158.

The Commission then started the process of examining the objections.

During this process it was found that a large number of objections were similarly worded and contained exactly the same objections.

It was, therefore, decided to group the objections into categories.

These are given in Annexure O I

Understandably, most of the objections have been raised by those persons whom the Commission has not found to be genuine members of the society in terms of the Haryana Cooperative Societies Act, or for other reasons, and as a consequence not eligible for allotment of plot from the Society, or those in whose case the Commission has recommended cancellation of Registries, again on the ground that they were not eligible for allotment, and therefore, the plot could not have been registered in their names.

The gist of the objections raised against the report and the observation of the Commission on those objections are given in Annexure O II.

Before dealing with the objections raised to the report, the Commission would like to bring on record certain letters, copies of which are placed at Annexures 1 to 9, that it discovered in the office files of the Inspector, Cooperative Societies who dealt with the matters of The Saraswati Kunj Cooperative House Building Society, and from the office files of the Assistant Registrar Cooperative Societies, Gurgaon, the Statutory Regulator, which were not in the knowledge of the earlier Commission.

These letters are available in the office record of the Statutory Regulator, the Assistant Registrar, Cooperative Societies, Gurgaon, and his subordinates.



81

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

These documents pertain to the period 23-11-1995, when the Society Chairman issued a public notice in the Hindustan Times that there was no vacancy of members in the Society, up the period leading up to the General Body Meeting of the Society on 6th October 1996 and a period of about a month immediately following that General Body Meeting.

These letters corroborate the findings of the Commission on membership as contained in its report of August 2017 and also provide answers to most of the objections raised against the report.

1. The first is a letter dated 29-11-1995 from Inspector (N.B.), Gurgaon, the person who dealt with matters of the society, addressed to the Assistant Registrar, Cooperative societies, Gurgaon. (Annexure 1)

In this letter the Inspector informs the Assistant Registrar, that, as a result of the verbal orders of the Assistant Registrar, banning further membership in the society, the society has sent a copy of the public notice (which bears the signatures of H.S.Sharma, the Secretary of the Society) put out by the Chairman of the Society, in the Hindustan Times of 23rd November, 1995.

2. The second is a letter dated 27-11-1995 from the Secretary of the Society, Sh. H.S.Sharma to the Assistant Registrar, with reference to the letter of the Deputy Registrar dated 15-11-95 seeking Information from the society. (Annexure 2)

Through this letter the Secretary of the Society conveys to the Assistant Registrar that the Society has, since its inception, enrolled 5889 members of whom 4253 members have made full payment of land and development cost.

The number of members however, on that date, according to the registers of members, is actually 9200.



82

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

These documents pertain to the period 23-11-1995, when the Society Chairman issued a public notice in the Hindustan Times that there was no vacancy of members in the Society, up the period leading up to the General Body Meeting of the Society on 6th October 1996 and a period of about a month immediately following that General Body Meeting.

These letters corroborate the findings of the Commission on membership as contained in its report of August 2017 and also provide answers to most of the objections raised against the report.

1. The first is a letter dated 29-11-1995 from Inspector (N.B.), Gurgaon, the person who dealt with matters of the society, addressed to the Assistant Registrar, Cooperative societies, Gurgaon. (Annexure 1)

In this letter the Inspector informs the Assistant Registrar, that, as a result of the verbal orders of the Assistant Registrar, banning further membership in the society, the society has sent a copy of the public notice (which bears the signatures of H.S.Sharma, the Secretary of the Society) put out by the Chairman of the Society, in the Hindustan Times of 23rd November, 1995.

2. The second is a letter dated 27-11-1995 from the Secretary of the Society, Sh. H.S.Sharma to the Assistant Registrar, with reference to the letter of the Deputy Registrar dated 15-11-95 seeking Information from the society.(Annexure 2)

Through this letter the Secretary of the Society conveys to the Assistant Registrar that the Society has, since its inception, enrolled 5889 members of whom 4253 members have made full payment of land and development cost.

The number of members however, on that date, according to the registers of members, is actually 9200.



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

3. The third is a letter from the Inspector of Cooperative Societies, Gurgaon, dated 18-12-1995 addressed to the then Chairman of the society, Sh. Iftikar Hasan. (Annexure 3)

In this letter the Inspector, among other things, refers to the ban that the Chairman had imposed on new membership on 23-11-1995, a report of which was sent by him vide letter number 848 dated 28-11-1995.

He goes on to say that it was learnt from reliable sources that even after 23-11-1995 the Chairman was still increasing membership and sending false reports.

4. The fourth is a letter number 4045, dated 9-7-1996 from Assistant Registrar Cooperative Societies, Gurgaon, the Statutory Regulator, addressed to the Chairman Saraswati Kunj Cooperative House Building Society, imposing a ban, with immediate effect, on making new members in the Society. (Annexure 4)
5. The fifth is a letter dated 4-10-1996 of the Deputy Registrar, Cooperative Societies, Gurgaon, addressed to the Assistant Registrar directing him to attend the General Body Meeting of the Society fixed for 6-10-1996 and to ensure that nothing is done which is against the rules/laws/ bye laws. (Annexure 5).
6. The sixth is a letter written on 11-10- 1996 written by the Assistant Registrar, letter number 6938, addressed to the Chairman of the Society, in which he writes that by increasing the membership of the society, despite the ban, the Chairman has violated the instructions issued by this office, and also that in the GBM of 6th October 1996, a decision has been taken that after this GBM not a single member is to be added to the Society. (Annexure 6)

This letter of the Assistant Registrar has been received by Sh. Ram Gopal Sharma, Treasurer of the society, on 14-10-1996.

SRH



84

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

This letter was written by the Assistant Registrar, Gurgaon, just five days after he attended the General Body Meeting of the Society as per the directions of the Deputy Registrar and would represent a true record of what transpired in the General Body Meeting with respect to the issue of members.

7. The seventh is a letter written by Sh. Ram Gopal Sharma, Treasurer, of the society, letter number 477 dated 8-11-1996, to the Assistant Registrar, in response to a show cause notice number 7011-15 dated 18-10-1996 issued to the Society by the Assistant Registrar, Cooperative Societies, Gurgaon. (Annexure 7)

In this letter, among other things, Sh. Ram Gopal Sharma, the Treasurer of the Society, gives the following specific information that:

1. After 23-11-1995 (which is the date on which the public notice declaring that there is no vacancy of member in the society appeared in the Hindustan Times) the society has not made any new member and that dues are being recovered from old members and
2. There are 9200 members but land cost has been paid by approximately 5000 members.
8. The eighth is a letter written on 14-10-1996 by the Assistant Registrar to the Inspector that in the GBM which concluded on 6-10-1996, he came to know that the Society is still enrolling new members. (Annexure 8)
9. The ninth is a letter written by the Assistant Registrar on 16-10-1996 to the Chairman of the society with regard to the agenda of the General Body Meeting of 6-10-1996. (Annexure 9)

In this letter the Assistant Registrar writes to the Chairman to record the decision of the General Body Meeting of 6-10-1996 imposing a complete ban on new membership in the Society.



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Now let us look at what these letters reveal.

From the letters quoted above the following is the position that emerges:

1. The Society through its Public Notice of 23rd November, 1995, issued in the Hindustan Times, had declared that there was no vacancy of membership in the society.

The letter of the Treasurer of the Society of 8th November 1996, when he says that the society has not admitted any member since 23-11-1995, confirms the no vacancy position of the Society.

2. The Assistant Registrar, Cooperative Societies, Gurgaon, who is the Statutory Regulator, through his letter number 4045 dated 9-7-1996 **imposed a ban with immediate effect on membership.**

This ban has never been revoked and continues even today.

3. The General Body of the Society in its meeting held on 6-10-1996 also **imposed a ban with immediate effect on further membership.**

The letter of the Assistant Registrar number 6997 dated 16-10-1996 asking the Chairman of the society to include this in the minutes of the meeting proves this.

This ban also continues till today.

4. Thus after 23-11-95, corroborated by the ban on membership by the Assistant Registrar, Cooperative Societies, Gurgaon, who was the Statutory Regulator, on 9-7-1996, and by the ban on membership by General Body of the Society in its meeting of 6th October, 1996, **no new member could have been added to the society after these dates.**



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

But the trio of the Chairman, the Secretary, and the Treasurer, the three Principal Officers of the Society, took money from thousands of persons after these dates, they issued share certificates to such persons, they allotted plots to many of them, they registered those plots in their names, and they gave No Objection Certificates to such persons.

All this they did in gross and clear violation of their own decisions, of the ban imposed by the Statutory Regulator, the Assistant Registrar, Cooperative societies, Gurgaon, and of the ban imposed by the General Body of the Society, as brought out above.

Their actions in doing all this are clearly illegal since they violate the decisions of the General Body Meeting and the directions of the Statutory Regulator, The Assistant Registrar, Cooperative Societies, Gurgaon .

Now we come to the specific recommendations or findings of the Commission to which objections have been raised.

The Commission at pages 14 and 15 of its report had taken the public notice that the Chairman of the society had put out in the Hindustan Times on 23-11-1995 that there is no vacancy in the Society as a basis for its finding that anybody enrolled as member after that date could not be considered as a genuine member since there was no vacancy in the society after that date.

This has been assailed by a group of 400 members in a single letter and 238 others separately and individually on the following grounds:

1. Advertisement was given in only one news paper, it should have been given in at least two papers one in English and one in Vernacular.

The answer to this is that this rule might apply only when the society is giving a public notice to its own members but it would not apply to notices meant for the general public.

2. The second point was that the public notice was with regard to persons dealing with agents and not with the society itself.

✓

#



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

And since the share certificates issued to them have been signed by the very Chairman who issued the Public Notice, this implied that he had waived off the "no vacancy" by making them members.

Here too this argument does not hold good.

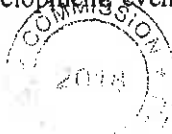
Once a public declaration has been made that there is no vacancy of membership in the society, it is not then open to any office bearer/ bearers of the society, including its Chairman, Secretary and Treasurer to surreptitiously enrol members on their own without first issuing another public notice declaring that vacancies had become available and that the society is enrolling members.

Further, having informed the Statutory Regulator, the Assistant Registrar, Cooperative Societies, Gurgaon, of their having imposed a ban, they could not then enrol new members without again informing him that the ban has been lifted.

Moreover, for new members to be enrolled in the society, the Society had to in fact, have vacancies of members against which such persons could be enrolled on the date they were enrolled and all such persons had to be enrolled as members through due process.

Data compiled by the Commission reveals that not a single vacancy of membership has arisen in the society since the publication of the notice on 23-11-1995, right up to the present day in 2018, twenty three years later, much less in the intervening years.

Now even if we go by the data about the number of members contained in the letter of 27-11-1995 written by the Secretary of the society to the Assistant Registrar in which he has grossly understated the number of members of the society, that the Society had on that date, that is on 27-11-1995, it had 5889 members of which 4253 members had made full payment for land cost and development even then they do not have any vacancy as we shall see.



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

The society, however, according to the registers of members had 9200 members, and according to the Commission they had on that day 8200 members.

But let us go along with the figures of the Secretary of the society.

The day he wrote that letter at that point the society had only 950 plots of which 131 plots were meant for the economically weaker sections, leaving 819 plots available for allotment to its members in terms of its first licence of 1995.

Now let us look at how many members we had for these plots.

The Society had, on 27-11-1995, 4253 fully paid members and it had 819 plots to allot.

If all these 819 available plots were allotted to 819 of the fully paid members of the society there would still be 4253 minus 819 equals 3334, that is, there would still be 3334 fully paid members who would not get a plot.

A vacancy would only arise when the number of plots available becomes more than the members seeking allotment.

This never happened in the society as we shall see.

The next license that the society got was in the year 2000, five years later, for 873 plots, later on reduced to 271 plots. 31 of these plots were meant for the economically weaker sections leaving 840 plots for its members.

At this point the Society already had 3334 fully paid members waiting for a plot, many of whom have been waiting for a plot for over a decade, some for over fifteen years or more.



27

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

If all these 840 plots were allotted to 840 of these 3334 members, then after allotting these 840 plots to them the society would still have 3334 minus 840 that is 2494.

The society would still have 2494 members left without a plot.

These figures have been calculated on the basis of 4253 fully paid members, way back in the year 1995, as reported by the Secretary of the Society, when the society got its first licence.

Now if let us look at the figures as of December 2004.

This is what emerges.

As of December 2004, there are a total of 5999 members who have a credit balance.

Out of these, 2035 members have deposited money at over 2100 per sq. Yd.

And 2117 members have deposited between 775 and 2100 rupees per sq. Yd.

The total number of plots available is 1659.

Thus even in the year 2004, the number of members who have made payment at the rate of 2100 rupees or more far outnumber the total number of plots.

Thus there is no vacancy even in the year 2004.

So even after a wait of more than fifteen years there would still be over thousands of members from the period prior to 23-11-1995 waiting for a plot, many of them having made full payment for the plot, and yet there are those trying to justify the induction of more members after 23-11-1995!

Therefore, as brought out by the earlier discussion, there was no vacancy in 1995, there was no vacancy five years later, in the year 2000, when the second license was obtained, there was no vacancy in 2004, when the



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Assistant Registrar suspended the Managing Committee of the Society vide his orders dated 29-11-2004, and there is no vacancy even today in the year 2018, almost twenty three years later.

The number of persons who could have made full payment could have been much higher since there are many who said that after the demand to pay at the rate of 775 Rupees per sq. Yd. they were never asked to pay anything more.

Without there being a vacancy there could not have been any enrolment of members.

Enrolling members when the society already had so many fully paid members only meant that those who enrolled the members did so with the clear mala-fide intent to harm the interests of the existing members which they have, in fact done.

Another reference has been made to the orders of the Deputy Registrar and the Assistant Registrar, Cooperative Societies, Gurgaon dated 12-12-2013 and 14-11-2014 respectively in this regard.

Firstly these orders of the Deputy Registrar and the Assistant Registrar were passed with reference to elections to the society and not with reference to allotment of plots.

Both the Deputy and the Assistant Registrar do not appear to have been aware of or have taken into consideration the very important information available in their own office files with regard to membership, which would have helped settle the issue once and for all as indicated earlier.

Without any vacancy and with so many members, many of them having fully paid for the cost of the plot, waiting for plots, admitting new members and allotting them these very plots and depriving those members of what was rightfully theirs, clearly establishes the mala-fide intentions of the of the then office bearers of the society.

Both the Deputy Registrar and the Assistant Registrar do not seem to be aware of and seem to have missed a very critical parameter with regard to Group Housing and House Building Societies.

15/11/18



- 91 -

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Both these categories of societies are not open ended societies but closed societies with a definite number of members.

In the case of Group Housing Societies the number of members of the society has to be exactly the same as the number of flats that the society is likely to build, not one less and not one more.

A vacancy only arises only when a member resigns, and as a consequence of such a resignation, the number of members becomes less than the number of flats available.

Similarly, in the case of plots in House Building Societies, the number of members has to be exactly equal to the number of plots the society has developed or is likely to develop in the immediate and foreseeable future, the period cannot extend to decades, or to an uncertain future.

From 1983 to 1995, a period of twelve years, the society kept on enrolling members.

No plot was registered during this period since they got their first licence only in the year 1995.

The society already had 8200 members on its rolls by that time.

A line with regard to enrolling further members had to be drawn, and that line was drawn in 1995 and in 1996.

The cardinal guiding principle of such societies is that the number of their members has to be exactly equal to the number of flats, houses or plots that the Society actually has.

There cannot be even one member more than the number of flats, houses, or plots.

It certainly cannot be premised of an uncertain future.

Here the local departmental officers at the level of Assistant Registrar, and the Deputy Registrar, by the orders passed in 2013 and 2014, are actually helping in legitimising all the past wrongdoings of the Society and assisting in adding to the already huge number of people who cannot



C17

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

be serviced by the society and, by doing so, they are compromising the interests of the genuine members of the society.

This clearly shows a lack of understanding of the ethos and principle of Cooperation by these officers.

Here both the Assistant Registrar and the Deputy Registrar did not match membership with plots available.

In the process they have helped create a behemoth which was totally out of their control.

These orders of the Assistant Registrar of 2014, and of the Deputy Registrar of 2013,, since they go against the facts available in the office of the Assistant Registrar, Gurgaon, need to be recalled.

Thus, even according to the Secretary of the society, who has grossly understated the number of the members of the society on 27-11-1995, the society had many, many more members than the plots that were available with it, meaning that as on 27-11-1995 itself, the society had no vacancy, which is in line with, and which is also consistent with the "no vacancy" public notice put out by the Chairman of the Society on 23-11-1995.

In view of the position brought above there was no vacancy in the society as on that date, nor did any vacancy arise any time in the future as well, right up to the present year of 2018.

That being the case no member could have been admitted after 23-11-1995.

Page 16 of the report is regarding the list of members to whom plots would be allotted based on of the draw of lots held in Peare Lal Bhavan, Cannaught Place, Delhi, in 1991 and 1992.

The Commission had rejected this list because the list also contained the names of those members who became members of the society in 1993, 1994, and 1995 etc., much after the draw of lots was held, and who were not even members of the society when the draw of lots was held.

5/11/2



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

A number of people have raised the objection that the scrapping of the list in totality has the effect of depriving even those members who were successful in the draw of lots and who were members of the society at the time of the draw of lots, from what was rightfully theirs.

They have requested that those who were members of the society at the time the draw of lots was held and whose names figure in this list should be considered in that list for priority allotment and the list should be restored to that extent.

The Commission finds merit in their plea, accepts their plea and recommends that that portion of the list which contains the names of those members who were members of the society at the time of the draw of lots be revived and plots allotted to all such members on priority before the others provided that they had made full payment for the plot.

They should now be considered for priority allotment of plots based on that list provided they had made full payment.

Pages 34 to 35 of the report are with regard to the Membership of members from serial number 8701 to serial number 9200.

The membership of all these persons was not considered as genuine by the Commission as there was no approval of either the Managing Committee of the society or of the General Body of the Society for their membership.

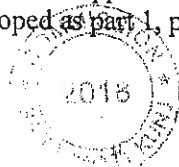
This finding of the Commission has been objected to by 33 affected members in one file as also by 400 other members in a single file in addition to individual objections on the following grounds:

- A. The last page of the members register number ten has been signed by the sub Inspector Audit during the course of audit for the financial year 1995-96.

This confirms the strength of the society at 9200.

- B. The written speech of the Chairman distributed in General Body Meeting of 6-10 1996 clearly states that there are 9200 enrolled members of which 6050 were active and who were supposed to get plots in phase I of the society which is to be developed as part I, part II, part III.

SRLL



H

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018.**

- C. Ban was imposed by GBM on new enrolment in the society on the intervention of the Assistant Registrar, Cooperative Societies, Gurgaon, Sh. A.S. Dagar.
- D. The Managing Committee was suspended and in appeal before the higher authorities the then Chairman in his written statement admitted that as per GBM resolution the membership of the Society was restricted to 9200 members.
- E. Share certificate which has been issued by the society has not been taken into account.
- F. The Delhi High Court Ruling in the Alka Gupta Vs RCS and that of Gurbachan Singh Vs Rehabilitation Ministry, Employees coop House building Society were cited in support.

The Commission is unable to accept their plea and accept them as genuine members.

Approval of membership is a substantive act and not a mere procedural one.

There is nothing on record to show that either the then Managing Committee or the General Body of the Society ever gave approval to the membership of the members from serial number 8701 to 9200 or that total membership of 9200 members was ever approved.

After 23-11-95, the date their names have been recorded in the register of members, the Managing Committee held one meeting in December 1995, eight meetings in 1996, and one General Body Meeting on 6-10-1996.

Three meetings of the Managing Committee were held in 1997 and four meetings of the Managing Committee were held in 1998.

The last meeting of the Managing Committee took place on 12-4-1998.

After this date there is no record of any meeting of the Managing Committee or of the General Body of the Society till 29-11-2004, when the Managing Committee of the society was suspended by the Assistant Registrar, Cooperative Societies, Gurgaon.

SHALL



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Thus after 23-11-1995 up to 29-11-2004, the Managing Committee of the Society held 15 meetings of the Managing Committee and one meeting of the General Body was held.

In none of these meetings has the membership of these 500 persons, or for that matter, of any others, been considered or approved by either of these two bodies.

That being the case they cannot be considered as genuine members of the Society even though their names are written in the Register of members on 23-11-1995, which is the date on which the public notice declaring that there was no vacancy of member in the society appeared in the Hindustan Times.

Their names appear to have been smuggled into the register of members to show that they were members as on that date and that the public notice does not apply to them.

The Commission is unable to accept their objection and finds nothing wrong in earlier decision of the Commission of 2016, of not treating them as genuine members of the society, but putting them in a different category.

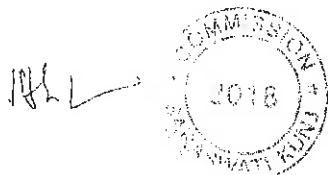
Page 36 contains the finding of the Commission on membership of the society based on a reading of Section 40 of the Cooperative Act.

This finding of the Commission has been objected to by 97 and 400 members in a two letters and by 631 members individually.

The 357 persons challenging the finding on membership and the 148 persons seeking allotment also challenge this finding.

Share certificate which has been issued by the society has not been taken into account.

The Delhi High Court Ruling in the Alka Gupta Vs RCS and that of Gurbachan Singh Vs Rehabilitation Ministry, Employees Coop House building Society were cited in support.



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

It is not just that the names of these persons are not written in the register of members.

It is that their names do not appear anywhere in the records of the society such as the Cash book, the personal ledger, or the proceedings book.

There is also no record of their names ever being put up for approval either before the Managing Committee of the Society, or of the General Body of the society for approving their membership.

Moreover, there was no vacancy of member against which they could have been admitted.

There was a ban on making new members.

Normally a member's name should occur in the following records of the Society, but not necessarily in that order:

- a. In the Proceeding Book of a society containing the decisions of the Managing Committee or of the General Body of the society, as the case may be, when the name of the member is considered for membership and name is approved as a member of the society.
- b. In the cash book of the Society when payment of share capital and other dues is made to the society.
- c. In the register of members when share capital money has been paid and membership is approved.

The approval of membership can be before the name is written in the register of members or it could be after the name is written there.

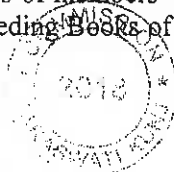
- d. In the Personal ledger where details of all payments made by the member to the society are entered.

In the case of this society the following is the position that emerges:

Firstly we look at the Proceeding Books of the Society.

We find that there are no names of members approved for admission as members written in the Proceeding Books of the Society, only numbers

11111



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

are given saying that membership was approved from serial number so and so to so serial number so and so.

In fourteen meetings of either the Managing Committee or of the General Body of the society, starting from 25-12-1983 and going up to 7-5-1995, a period of eleven and a half years, the membership of the society was increased on fourteen occasions, from serial number 21 on 25-12-1983 to serial number 8700 on 7-5-1995.

No names are given in any of the proceedings books, only serial number is mentioned which would be taken to mean the serial number of the Member's register.

Next we come to the Cash Books.

The Society only started writing its cash books from 16-11-1988.

Here in the cash books names of member making payment to the society have not been written in the cash books of the Society in respect of payments made to the Society, only the membership number of the member is given.

The members name along with his membership is written only when a member is paid money by way of refund, either of his share capital, or of his land cost, or of both, or to refund excess payment made by him.

Next we come to the Registers of Members.

There are ten Registers of Members.

Here in the Register of Members we see that the names of members have been written.

Starting from serial number 1, bearing the name of Sh. Iftikar Hasan, entered on 23-3-1983, in Register number one, up to serial number 9200, bearing the name of Sh. Om Prakash Arora, entered on 23-11-1995, in Register number 10, 9200 names have been written in the registers of members.

In this way we see that 9200 names have been entered in the ten registers of members.

17/11/17



98

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Now we come to the Personal ledgers.

There are in all 16 Personal Ledgers in which the payments made by members are entered on pages designated for each member.

Though there are 9200 names in the registers of members, yet the personal ledger accounts have been opened in respect of 9400 members.

In the sixteen personal ledgers, names have only been written for all the members in the first six ledgers and large part of ledger number seven.

In the Personal Ledger accounts, names along with membership number of members have been written only up to serial number 4414, the last name written along with membership number, is written in ledger number 7, and is that of Mr. S. Kumar written at page number 614 of the ledger.

After this membership number 4414, from membership number 4415 onwards, right up to the last account, at serial number 9400, no names have been written along with the membership number, there is just a membership number.

And the last 200 entries in the ledger, from serial number 9201 to serial number 9400 contain only undated cash entries of 200 rupees in each of these accounts.

A member of a society, in addition to the share certificate issued to him and his pass book must also have his name written somewhere in some record of the society.

After the no vacancy public notice issued by the Chairman of the Society in the Hindustan times on 23-11-1995, after the ban imposed by the Statutory Regulator, the Assistant Registrar, Cooperative societies, Gurgaon on 9-7-1996, and after the ban imposed by the General Body Meeting of the society on the 6th October 1996, on further membership, Chairman, Secretary and the Treasurer of the Society appear to have followed the surreptitious route of taking money from persons and issuing them share certificates, but not writing their names anywhere in the records of the society.



90

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

(The only name written in the records of the society after that date, which has come to the notice of the Commission, is that of one Sneh Bhatla, membership number 6510 whose name was written on 31-3-1999 in the register of members and whose name is also written in the personal ledger of the society. There could be others as well.

Her case has been discussed in detail in Annexure O II.)

It as if these three did not want other members of the society to know of these persons.

Since this was the record which contained the largest number of names the Commission placed maximum importance on this.

None of the names of the persons which the Commission has declared as non members were ever either considered for approval by either the Managing Committee of the Society or of its General Body, or actually approved for membership of the Society either by the Managing Committee or by the General Body of the Society.

Furthermore, there were no vacancies against which they could be admitted.

There was a ban on membership imposed by the Statutory Regulator, the Assistant Registrar, Cooperative Societies, Gurgaon and also by the General Body of the Society itself.

In view of the position brought out, the objections raised against this finding have no merit.

Page 37 of the report contains the finding of the Commission about the names of members in the register number six of the register of members.

The Commission concluded that all the members whose names have been recorded in register number six of the register of members are those members who actually became members of the society in the year 1996 but who were shown to have become its members in the year 1990.

JP&L



f

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

The Commission had given detailed reasons for its finding on pages 37 to 39 of the report of 2017.

This is now corroborated by over 100 members whose names occur in the same register and who have filed their objections against the report of the Commission.

All of them have either produced share certificates showing that they became members of the society on 5-11-1996, or have stated as such in their letters filing their objections to the report of the Commission of 2016.

All these members have been shown in the register of members as having become members on 31-10-1990, when the fact is that all of them actually became members on 5-11-1996 as per their own admission.

The office bearers appear to have resorted to this subterfuge in view of the public notice of 23-11-1995, and in view of the ban imposed by the Assistant Registrar on 9-7-1996, and also in view of the ban imposed by the General Body of the Society in its meeting of 6th October 1996.

On 8th of November the Treasurer of the Society writes to the Assistant Registrar informing him that the society has not made any new member in the society after 23-11-1995, while just three days earlier on 5th November 1996, he had signed hundreds of share certificates along with the Chairman and the Secretary.

A number of such certificates signed by them are placed at Annexure titled Share Certificates.

From this it is clear that all these 500 members were issued share certificates in 1996 while their names in the register have been shown in the year 1990.

By their own admission that they are members since 5th November 1996, the stand taken by the Commission in its report of 2017 is vindicated.



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

This is another proof of there being a ban on membership after 23-11-1995, otherwise why go through the trouble of backdating their entries and create a fake register.

If there was no problem in inducting them as members of the society, then why not get these approved from either the Managing Committee or the General Body which was done in the case of 8200 persons and why not write their names after serial number 9200 in the members register number 10.

This clearly shows that the register number six of the register of members is a later creation and all members whose names occur in it are not genuine members as has already been held by the Commission in its report of 2017.

Page 39 of the report is about Annexure L of the report according to which, the Commission had declared 20 members as non genuine members because of overwriting in the register of members in respect of their names which the Commission considered as a case of tampering.

Some of the affected members have represented that the so called tampering in their case was not tampering but a correction of a mistake committed while writing their name in the register.

They are genuine members and their names should be included in the list of genuine members of the society.

After verification from the Personal ledger, the Commission, giving them the benefit of doubt, recommends inclusion of their names in the list of genuine members.

Thus the list of genuine members of the society would now be 8200 instead of 8180.

Annexure K I and K 2 are the list of the genuine members of the society.

It is only these persons whose names appear in these two annexures, KI and K2, who have a right to be allotted a plot in the society according to their merits qua each other.



102

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

All the persons whose names do not appear in the lists of annexures K1 and K2 are not members of the society, and as non members, they do not have a right or a claim to a plot in the society, even though they may have paid for the plot.

Category wise merit lists of all the genuine members have been prepared afresh and are placed at Annexure M 1, M2, and M3.

The provisos given in this regard in the report of the earlier Commission at pages 39 and 40 would also apply here as well.

The findings of the Commission on Land, Deposits, and debtors, as contained in pages 40 to 43 have not been objected to and would remain the same as in the earlier report.

The principles about entitlement for allotment of plot and about personal ledger as contained in the report at pages 43 and 44 remain the same, but figures have changed in view of new information that became available.

Many persons have sought correction in their balance as shown.

The Commission re-verified the balances of all the persons who had submitted details of payments made by them.

As a result, corrections have been made in the accounts and in the names of 738 members on the basis of fresh information supplied by them.

In view of the correction of balance made in all such cases and because of reduction in the suspense accounts and merger of some of the accounts, the paragraph on a summary of accounts would now read as under:

In all 14113 accounts were opened the details of which are as under.

10,930 accounts with credit balance.

2106 accounts had nil balance.

1077 accounts had debit balance.



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

In the case the Economically Weaker Sections the following would be the position of accounts:

Total accounts number 697

Accounts with credit balance number 674

Zero balance accounts number 21

Debit balance accounts number 2

Paragraph on personal ledger account would now read as:

The personal Ledger Accounts maintained by the Society number 9400, two hundred more than the names entered in the registers of members.

The last two hundred entries in these ledgers, from serial number 9201 to serial number 9400, contain undated cash entries of only 200 rupees each.

Final balances of the 14113 accounts mentioned above containing their debit, credit and final balance have been reworked and are contained in revised Annexure Q1, Q2, and Q3.

With further correction in accounts, the 1000 suspense entries have now been reduced to 355.

The society took money from over 14100 persons.

After deducting zero and debit balances we are still left with 10930 members with credit balance in their account.

There are in all 8200 genuine members.

1898 have zero balance.

303 have debit balance.

1895 have balance at less than @ rupees 775 per sq. Yd.

2070 have balance between 775 and 2100 rupees

2034 have balance @2100 rupees or above.

A total of 5999 genuine members have credit balance.

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Page 54 of the report mentions the merit list of members in terms of their having deposited money in the society for the plots of their choice.

Some members have suggested that though they had paid at the rate of 2850 per sq. Yd. and their merit had been considered as such, yet it should also be calculated at the rate of 2100 per sq. Yd. as well to see their eligibility for plots in the first phase.

There is merit in what they say.

There are 5999 genuine members with credit balance.

Therefore, merit list of the all the genuine members has been prepared afresh accordingly.

The revised merit list of the members is given in Annexure M

Thus total numbers of persons who are claiming a plot in the society belong to the following categories.

1. EWS CATEGORY

Total members 697

Members with credit balance 674

Members with zero balance 21

Members with debit balance 02

Members with registries 142

Total sanctioned EWS plots are 162

Plots available for allotment for the EWS category would be 162 minus 142 equals 20.

Thus 20 EWS plots are available for allotment.

155 persons have made full payment as against 162 plots.

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

All the remaining persons who had made full payment can be allotted plots and still there would be plots left.

GENUINE MEMBERS

- a. There are 1895 members with credit balance who have paid less than rupees 775 per sq. Yd.

They have 4 plots registered in their names.

- b. There are 2070 members who have paid between 775 and 2100 Rupees per sq. Yd.

They have 39 plots registered in their names.

- c. There are 2034 members who have paid above at the rate of 2100 Rupees per sq. yd. and above.

They have 503 plots registered in their names.

- d. There are 303 persons with debit balance.

One registry has been done in the case of such persons.

- e. There are 1898 persons with zero balance.
No registries in their name.

- f. Total number of plots registered to genuine members comes to 547

- g. Out of these there are 3 registries of Rupees 100 only and one of 1100 only.

Non Genuine Members

Annexure T1 contains the details of members from serial number 8701 to serial number 9200.

124 have deposited at above Rupees 2100 per sq. Yd.

They have 24 registries

251 have deposited between Rupees 775 and 2100 per sq. Yd.

They have three registries



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

22 have deposited at less than 775 Rupees per sq. Yd.
No registry.

11 members have debit entries.
No registry.

85 have zero balance.
No Registry

**DETAILS OF NON GENUINE MEMBERS INCLUDING
UNTRACEABLE ARE GIVEN AT ANNEXURE (T)**

- a. There are 1411 persons who deposited less than at the rate of rupees 775 per sq. yd.
They have 10 plots registered.
- b. There are 769 persons with debit balance.
Four plots have been registered.
- c. There are 126 persons with zero balance.
Three plots have been registered.
- d. There are 945 members who have paid between 775 and 2100 Rupees per sq. Yd.
37 plots have been registered.
- e. There are 2163 members who have paid at Rupees 2100 and above per sq. Yd.
584 plots have been registered.
Total plots registered to non-genuine members is 637.
- f. There are 172 persons with registries whose details are either not available or whose names and membership numbers do not match with those in the record of the society. Details of such persons are given at Annexure U I

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Total number of registries in this category comes to 810.

If we add 27 of the 8701 to 9200 members the total number of registered plots in this category comes to 837

The position of all registered plots is given at Annexure U :

Genuine members 547

Non Genuine members 837

EWS Registries 142

Total number of registered plots comes to 1526.

Thus the overall position that emerges now with regard to plots registered is as follows:

1. In respect of 5999 genuine members, 547 plots were registered.
2. In the case of 4923 non Genuine Members, which also includes the untraceable ones, 837 registries have been done.
3. Thus total number of registries done in respect of members and non members excluding the registries done in respect of the EWS category is 1384.
4. The total number of sanctioned plots for allotment to members is 1659.
5. Total number of unregistered plot which would be available for allotment, would be 1659 minus 1384 which comes to 274 plots.

Thus 274 plots of various sizes would be available for allotment.

6. The plot wise break up is as follows

a. 100 sq. Yd	78 plots
b. 250 sq. yd.	170 plots
c. 500 sq. Yd.	24 plots
d. 700 sq. yd	Nil
e. 1000/1250 sq. yd	2 plots
Total	274 plots



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Thus a total of 274 plots can be allotted to the members based on the record of available registries.

If more registries become available, then to that extent, the number of plots available will decrease.

To allot these plots there are at present two options available to us.

1. We allot the plots strictly in the order of merit prepared by the Commission as given in Annexure M.

First we cover the persons from the priority list of the draw of lots in each category.

Once this list is exhausted we then go the second list of members who have made full payment.

In this we would be able to allot plots to 274 persons where all persons of the priority list of 100 sq. Yd. and 250 sq. Yd list are covered and 24 out of the 25 members of the 500 sq. Yd are covered.

24 senior most persons of the general list of 100 sq. Yd are covered, 97 senior most members of 250 sq. Yd are covered, and two senior most members of the 1250 sq. Yd are covered.

2. However there is another option that can be considered.

It is understood that for plot sizes above 180 sq. Yds, the Government permits registering independent floors.

If this option is exercised for the 250, 500, and the 1250 sq. Yd category, then in these three categories we can cover another two persons for every plot available.

In this way in the 250 sq. Yd category we would get 170 multiplied by 2, that is 340 additional units.

In the 500 sq. Yd. category we would get 24 multiplied by 2, that is 48 units, and in the 1250 category we would get an additional 4 units.

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

In this way, we would get an additional 392 units straight away.

The total number of members who could immediately get a dwelling unit would come to 666.

Since this option covers a larger number of members, it is the recommended option provided the members agree to it.

The Way Forward and the Recommendations given by the Commission in its report of 2017 remain the same in substance but only change in terms of numbers.

RECOMMENDATIONS

- A. Give NOC to all the genuine members who have made full payment and who have registries in their name.

The number of such persons is 503.

- B. Allot and register the available unregistered plots in the order recommended by the Commission.

RIGHT THE WRONGS THAT HAVE BEEN COMMITTED IN THE PAST

A large part of the wrongs that have been committed in the past and allowed to exist all these years must be undone and by taking the following actions:

Cancel all registries done in favour of non members which fall in the illegal category and all registries of members in the irregular category that have been done in respect of genuine members without receiving full consideration for the plot registered.

In the illegal category would fall the following:

- a. 172 and 16 EWS untraceable registries.
Annexure U 1



11/11

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

- b. The registries of the debit and zero balance and those who have paid marginal balance from among the genuine members and EWS.

Details are given at annexure U 2

- c. Registries of all 637 non genuine members.

Details are given at Annexure U

In the irregular category would fall the following:

Those genuine members who have got plots registered in their names but who have paid less than the required amount.

Details are given in Annexure U2

However, in the case of these members a view can be taken that only those members may be proceeded against who have paid at less than 90% of the cost of the plot and cancel only their registries.

In the case of others who have paid 90% or more they may be required to pay the difference of the higher rate of 2850 minus what they have already paid along with a punitive interest of 20% per annum on that differences.

Thus the total number of registries that would be cancelled would come to about 840 to 850, which would make that many plots available for allotment.

Those plots can then be allowed to the genuine members on merit according to list given in annexure M.

But how long that will take is difficult to tell since cancellation of registration is a civil matter and falls within the domain of civil courts.

For cancellation of registries the society will have to file individual cases in civil courts against all those whose registries are to be cancelled.

Since a large number of people are involved Government may examine if an ordinance or law could be passed declaring these registries illegal and therefore, invalid.



**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Cancellation of plots, though it would correct a wrong that has been committed, however, it does not provide immediate relief to any member as the process of actual cancellation could take very long.

INITIATE CRIMINAL PROCEEDINGS AGAINST PERPETRATORS AND THOSE COMPLICIT.

Initiate criminal proceeding against all those who committed these acts and against those who were complicit in them.

These would be the following:

1. The then Chairman and Treasurer of the Society in respect of registries executed in all case categorized as illegal, and also in the cases of registries of genuine members done without receiving the full money as required, though their registries show that full money was taken.
2. The persons given at (a) and (b) for their complicity in the act.
3. The 40 members who executed registries for less amounts for their complicity in the act.
4. The then Treasurer who issued fake Share Certificates without approval of competent authority.
5. The then Chairman, Secretary, and Treasurer of the society who signed the Share Certificates of non members without the approval of the competent authority.

REDUCE THE NUMBER OF CLAIMANTS ON THE SOCEITY BY REFUND OF MONEY DEPOSITED

The next step would be to reduce the number of claimants and bring them within manageable limits by refunding the amounts deposited to as many people as possible.

1. Refund their deposit including share capital to all non members, persons whose names do not appear in the register of members and who do not have plots registered in their names. This includes those persons whose names appear from serial number 8701 to 9200.

The number of such persons comes to 4286.

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

2. Refund their deposit including share capital to all members whose names appear in the registers of members but who have paid at less than Rupees 775 per sq. Yd. and who do not have a registry in their name.
This number comes to 1885.

3. The total number of such persons comes to 6171.
The estimated amount of money that would have to be refunded would come to about Rupees 175 crores.

This would cover only the principal amount and could be easily done by the society from its existing resources.

In this way over 6000 claimants, both members who have not paid sufficient money and non-members from whom the society should not have taken money in the first place would be taken off the rolls of the society.

The society would then be left with fewer numbers and would be far easier to manage.

4. Refund deposits to all other members who want a refund of their deposits.

DEAL WITH THE REMAINING MEMBERS:-

After the actions as suggested above are taken, the society would still be left with the following number of members:-

- 1- 2070 members who have paid between 775 to 2100 Rupees per sq. Yd.
- 2- 2034 members who have paid more than 2100 Rupees per sq. yd. making a total of 4104.

542 of these members have registries.

That leaves 3562 members.

If the floor option is exercised, this would further reduce the number by 666, that are 3562 minus 666 equals 2896.

Then 2896 members would be left.



COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018

Out of these about 860 plus members could be allotted the cancelled plots which would leave about 2050 members who had paid more than Rupees 775 per sq. Yd. without a plot.

This however would not take only time but also has an element of uncertainty.

All such members would then have to be asked as to whether they would like to await the outcome of the cancellation proceedings or they would like to be considered for the other option of flats.

Their replies would yield the final numbers that have to be dealt with.

There are thus a total of 2896 genuine members of the society, including the 860 or so likely beneficiaries of cancelled plots, who have to be eventually considered for accommodation.

Government has acquired about 150 acres of land of the society.

All these years, members of the society have been living in the hope that the Government would release this land of theirs which was unfairly acquired by it, which land could then be used by the society to allot plots to its members.

The solution to the problems of the remaining 3000 or so members of the society, therefore, is tied to this land.

If land is available, there is a solution to their problem, if no land is available there is no solution.

To find a solution for the remaining members the following options are suggested:-

1. The Government releases the land of the society that it has acquired over the years.

The problem here could be that all or some of that land could have been already put to use and would, therefore, be unavailable.



114

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

An assessment of the same, therefore, has to be carried out based on which a further view could be taken.

Another problem here could be that the land in question is not compact and in one location and may not conform to the minimum requirement for grant of license, unless that land is contiguous to already licensed land, in which case a minimum holding criteria does not hold.

This aspect may be got examined from the Department of Town and Country Planning Haryana.

Further action would depend on the outcome of this examination.

2. The second option would be to request HUDA, who had acquired the land of the society, to carve out plots for the remaining members of the society, by framing a special scheme from them in lieu of the land of the society which they have acquired, factoring in the compensation payable to the society etc when they determine the cost of plots.
3. The third option would be to get flats constructed for those of the remaining members who express their willingness to accept flats instead of plots.

Those who do not give their willingness to flats should be refunded their money.

These flats could be constructed by the Housing Board Haryana or by some other agency.

This option has the inherent advantage that it would require the least area of land and yet give a dwelling unit to the maximum number of people.

In fact by this option a dwelling unit could be given to all the remaining members.

According to the present norms about 60 flats of EWS 2, 3, or 4, bedroom flats can be constructed on the one acre of land.

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

Thus to cover all the remaining members of the society, those who have paid at 2100 Rupees and above, as well as those who have paid at between 775 and 2100, numbering about 3000, only about 50 acres of land would be required.

However if many people opt out of the flat option, the actual numbers would get reduced, and then the requirement of land would be even less.

In this way all the genuine members of the society would either have been offered a plot or a flat and that should be the end of their grievances.

There are two other suggestions that the Commission would like to make.

The Managing Committee of the Society is so deeply divided ever since its election in 2016, that it would be impossible for it to implement this report.

Similar was the case of the earlier Managing Committee elected in the year 2007.

There are such deep divisions within the members of the society that it is unlikely that there would ever be a Managing Committee that would be acceptable to all the members and which would have the unconditional support of all the members of the society.

It is, therefore suggested that a dedicated group of officers, they could be serving or retired, be constituted to implement the recommendations of this report.

This group should work on a full time basis and who should report directly to the Registrar, Cooperative Societies, Haryana, or to the Administrative Secretary of the Department of Cooperation.

They could be given a reasonable time frame of say one to three years to implement this report.

**COMMISSION REPORT
SARASWATI KUNJ SOCIETY
2018**

The second suggestion is with regard to the structure of the society.

Normally cooperative societies have membership of less than 100, except in the case of those societies where the members belong to one organization.

The society even with its genuine members is too big to be run efficiently by a small Managing Committee of 6 to 7 members.

Moreover, its members are too deeply divided into many groups, groups that just cannot and will not work with each but also that will not allow each other to work as well.

The element of Cooperation is totally missing.

The suggestion of the Commission would be to break up the society into smaller units of say around 200 members or so.

With a total number of plots at 1821, there could be ten societies having between 150 to 200 members.

The details of how this could be done could be worked out at the local level through interaction between the Deputy Registrar, the Assistant Registrar, the District Town Planner, and the Managing Committee of the Society and such other persons they might like to consult.

The Commission would like to place on record its appreciation of the outstanding work done by Sh. Ved Prakash, Manager who worked tirelessly to update all the merit lists, recheck all the balances of members who had submitted documents, and manage the office. He was very ably assisted in all this by Ms Seema, who has tremendous capacity for hard work, and Sh. Aditya Garg of the Chartered Accountant Firm of M/S Pawan Goyal and Co. who along with his Principals helped update financial record of the Society and Sh Pooran, the office help who looked after the office and all those who visited the office.

This report of the Commission may be read in continuation of the report of the earlier Commission submitted in August 2017.

1. Sh. S.P. Sharma IAS (Retd)
Chairman, Commission

3- Mahavir Prashad Sharma
DRCS, Gurugram
Member Commission

2. Sh. Vinay Pratap Singh, IAS
Deputy Commissioner, Gurugram
Member, Commission

4- R.S. Batth, DTP Gurugram
Member, Commission