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एन.एस.जी. सहकारी आवास समिति लिमिटेड  
पंजीकृत सं. 2213/1996

प्लॉट नंबर 2, पॉकेट-6, बिल्डर्स एरिया, ग्रेटर नोएडा, गौतमबुद्ध नगर (उत्तर प्रदेश) - 201310

**N.S.G. SAHKARI AVAS SAMITI LIMITED**

REGISTERED NO. 2213/1996

Plot No. 2, Pocket-6, Builder's Area, Greater Noida, Gautam Budh Nagar (U.P.) - 201310

संदर्भ संख्या

Ref. No NSG SAS/...Notice-19/2022-23

दिनांक

Dated 06.09.2022

**LIST OF MEMBERS OF NSG SAS LTD : UPDATED UPTO 30.09.2022**

Please refer Society's Notice No.8 dated 06.08.2022, Notice No.10 dated 11.8.2022 and Notice No.11 dated 25.08.2022 issued in respect of Members/Plot Holders of Category-"A", "B" & "C" (Plot Size 300, 200 and 125 SQM) respectively, regarding re-construction of files/preparation of List of Members.

2. Also refer our Notice No.15 dated 03.09.2022 regarding examining cases of Sale/Purchase of Plots and Transfer of Membership in terms of Society's Model Bye Laws Rule 107, approved by UP Avas Evam Vikash Parishad, Lucknow under the UP Co-operative Housing Society Act 1965 and UP Co-operative Housing Society Rules, 1968.

3. Also refer Society Letter's No.NSG SAS/UPAEVP/22-23 dated 23.08.2022 and dated 31.08.2022, copies sent under Notice No.13 dated 01.09.2022, concerning Land Audit on Sale/Purchase of Plots of NSG SAS Ltd in compliance of Lucknow Bench of Allahabad High Court Order as directed by Tehsildar (Judicial), Sadar, Gautam Budh Nagar and UP Avas Evam Vikash Parishad, Lucknow.

4. In the above matter, copy of High Court Order dated 06.09.2022 passed in Writ C.No.19316 of 2021 is enclosed for perusal of all the Members.



Contd.....2/-

5. Due to the various aspects mentioned in the above quoted Notices of the Society and in view of directions issued at time to time by Tehsildar (Judicial), Sadar, Gautam Budh Nagar and UP Avas Evam Vikash Parishad, Lucknow for taking necessary action in compliance of Hon'ble High Court Orders, NSG SAS Ltd Management has tried its best to prepare an Updated List of Members (updated upto 30.9.2022) based on available records/files held in the office and documents as provided by Members/Plot Holders till 30.09.2022, to include all cases of Sale/Purchase of Plots and transfer of Membership which were effected under Society's Modal Bye Laws No.107 and UP Avas Evam Vikash Parishad, Lucknow letter dated 13.07.2006 and 31.03.2012 (copies provided under Notice No.15 dated 03.09.2022 on Society Website & WhatsApp). Copy of the said updated list of Members will be issued shortly with the next Notice of NSG SAS Ltd.

6. For information please.

**Encls:-Copy of High Court Order  
Dt 06.09.2022 passed in  
Writ C.No.19316 of 2021**



*P.M. Thakur*  
06/10  
( P.M. Thakur )  
Secretary

**Court No. - 18**

**Case :-** WRIT - C No. - 19316 of 2021

**Petitioner :-** Smt. Jyoti Kansal

**Respondent :-** U.P. Co-Operative Tribunal Hazratganj Lko And Others

**Counsel for Petitioner :-** Ashok Kumar Singh, Radhika Singh

**Counsel for Respondent :-** C.S.C., Kunwar Ravi Prakash, Puneet Chandra, Ram Raj, Rishabh Raj, Umesh Kumar Tiwari

**Hon'ble Pankaj Bhatia, J.**

1. The writ petition is admitted.
2. In terms of the directions issued by this Court on 30.08.2022, the Co-operative Officers Housing Mr. Vimlesh Kumar Dubey and Mr. Ram Sumiran are present in Court.
3. Both the officers are represented by Mr. Rakesh Kumar Chaudhary, who is filing Vakalatnama on their behalf today itself.
4. This Court in the order dated 30.08.2022 has expressed its dissatisfaction in the manner in which the department is working. The Court had also referred to the general directions issued by this Court on 08.12.2021 while deciding Criminal Misc. Bail Application No.14190 of 2021.

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*18. This Court had observed in the order dated 06.01.2021 that day in and day out cases with regard to the mismanagement /misappropriation and harassment by the Co-operative Housing Society are coming before the Court and prima facie the U.P. Awas Vikas Parishad, which is an apex body looking after the affairs of the societies in the State of U.P., it appears, has not taken adequate steps which are required for management of the Society, as a result whereof, the Societies are running rudderless.*

*19. Co-operative movement in India had started and got strengthened with advent of time, the whole movement had an underlying laudible objective of cooperative development and freedom at local level but with passage of time and huge rise in real estate prices across the state the whole cooperative movement particularly in respect of the housing societies owning huge chunks of lands have been taken over by unscrupulous and anti social elements for*

*their personal gains. The modus operandi of these persons is also very common and not very hard to decipher, most of the original members of the initially created society have either died or lost interest in the affairs as a result whereof new members, at times who are not even eligible, are added to gain majority stake in the society, the elections are either not held or are rigged and are decided by the majority created by the henchmen of such persons, such societies then work in an opaque manner and there is no accountability or system of checks and balances. The extent of misappropriation can not even be imagined.*

*20. From the present case also, it is evident that the Committee of Management is continuing without there being any interim management /fresh elections which was required to be done either by the Registrar or by the Avas Vikas Parishad. The plea taken by the Avas Vikas that on account of restraint order restraining the holding of election, no steps have been taken thereafter does not merit acceptance as the court has restrained the election to be held but did not restrain for making of interim arrangements. The result is very clearly evident that despite there being not in power, a lease deed and a sale deed have been executed in favour of the accused no.4 as stated by the counsel for the applicant despite the term coming to an end.*

*21. The whole story as narrated above is very sorry state of affairs of the State of U.P. the poor plot holders, the society members are being harassed and the State as of now has not developed any mechanism to discharge its duties which are required to protect the small and voiceless members/plot owners who are at the mercy of the anti social elements who have unscrupulously taken control over the housing societies. This Court in discharge of its constitutional duties cannot turn a blind eye to the huge problems and illegalities of humongous proportions as highlighted above.*

*22. In the light thereof, while considering the facts and circumstances of the case, the Court deems it appropriate to issue the following directions to the State:*

***(I) The State shall ensure the audit of account of all the Cooperative Housing Societies of the State of U.P. as required under Section 64 on yearly basis without fail. The State shall separately get the Audit of the lands owned by the Co-operative Societies to decipher whether any lands/ properties owned by the Society have been misappropriated.***

***(II) The yearly Audit reports as directed above with regard to all the Cooperative Housing Societies shall be furnished in accordance with law to an Apex body at State Level.***

***(III) Wherever any discrepancies with regard to the unauthorized sales/ unauthorized withdrawal from the account of the Societies are noticed, an***

***FIR in question shall be lodged and steps shall be taken for recovery the loss caused to the Co-operative Housing Societies., if there is any need, the Investigating Agency/State/Authorised person shall be free to take the help of Enforcement Directorate for recovering the 'proceeds of crime' if found to have been transferred or misappropriated either by any of its office bearers/ members of the Co-operative Housing Society throughout the State of U.P.***

***(IV) The State Government shall issue necessary directions for holding of the elections in accordance with law after giving wide publicity for all the Co-operative Housing Societies except the cases where any restraint orders have been passed by any competent court of law.***

***(V) If any assets have been misappropriated, needless to say that appropriate steps shall be taken for taking back the said assets.***

***(VI) The State Government shall also take into consideration while deciding the holding of the election as directed above to ensure that no fictitious members were added to the Co-operative Housing Societies in an unauthorized manner/contrary to bylaws of society or any statute/rules.***

***(VII) An action taking report as directed above shall be filed before this Court within a period of three months from today positively on or before 28th February, 2022. The report shall be presented before this court in a sealed covered.***

***(VIII) Any attempt to subvert/disobey the directions as given above shall be viewed very seriously by this Court and the responsibility of the Officer not obeying the directions of this Court shall be fixed.***

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5. The directions given earlier were reiterated subsequently by passing separate orders on 15.03.2022 and 30.05.2022, however, the Court is constrained to observe that despite specific directions that the land audits and the financial audits as directed in respect of Cooperative Housing Societies, have not been carried out in the true spirit of the directions given by this Court.

6. The present case, is an example of series of cases which highlights the manner in which as many as six sale deeds pertaining to one property in between the parties has been led to the lis which is being agitated before this Court.

7. On a query being raised by the Officer who are present, they stated that no action has been taken for the audit of the properties of the societies in question. The said submission is wholly unacceptable, inasmuch as, in the present case, the first lease deed, which has led to the present writ petition, was registered way back in the year 1985 and an FIR in Case Crime No.556 of 1987 was registered under Sections 409, 467, 468, 481 and 120B IPC. On specific queries made from the officers with regard to the action taken by the cooperative department in exercise of their statutory powers, they state that no action was taken by the department except the FIR as recorded above.

8. The Officers present are not even aware of the fate of the criminal trial. This speaks volume of the duties being performed by the officers who are present before this Court. This Court noticing the plight of hapless investors and members in various cases as well as the present case and inaction of the cooperative housing department is left with no other alternative but to direct the State Government to constitute separate Special Investigating Teams (SITs) comprising Senior Police Officers to be headed by an officer of the rank of IG Police for districts of Kanpur Nagar, Ghaziabad, Gautam Budh Nagar, Agra, Prayagraj, Lucknow and Varanasi to investigate into the affairs of the corruption rampant in respect of the Co-operative Societies in the said districts of The State of Uttar Pradesh. The Special Investigating Teams will be assisted by the District Magistrate of the concerned districts for investigation into the

affairs of the co-operative societies who have largely fleeced innocent investors.

**9.** The SIT would be at liberty to lodge the FIR against the erring office bearers of the societies and the Officers of cooperative department.

**10.** The SIT will submit a report to this Court in terms of the directions issued within a period of three months with regard to the action taken as directed above.

**11.** Needless to say that the Employees and the Officers working in the Co-operative Department will also be prosecuted if the evidence is found of their complicity with the Co-operative Societies.

**12.** The SIT is directed:

(a) to inquire into the various bank accounts held by the office bearers of the Co-operative Societies and their family members, the manner of deposits and withdrawals from such accounts from time to time to ascertain the scale on which the funds have been siphoned off by the Societies.

(b) They shall also investigate as to whether the lands have been allotted by the cooperative societies contrary to the Rules or not?

(c) They shall enquire the facts of the criminal antecedents of the office bearers of the cooperative housing societies.

(d) The SITs will enquire if the elections by virtue of which the office bearers are holding office were free and fair or were sham without effective participation of members of the society.

(e) They shall collect evidence through discreet enquiries from amongst the members of the societies.

(f) They shall also trace the assets held by the office bearers and their family members to ascertain the growth of their assets since becoming the office bearers to find out if the same have been acquired through legitimate means or out of siphoning out of the funds/funds obtained through dubious means and to enquire if their assets are beyond the known sources of income.

**13.** The earlier directions issued vide orders dated 15.03.2022 and 30.05.2022 and 8.12.2021 in Criminal Misc. Bail Application No.14190 of 2021 shall be treated to be directions issued in the present case and reports as directed shall be submitted before this court.

**14.** This reports as directed herein above shall be submitted within three months.

**15.** Shri Sudeep Kumar, AOR No.B/S 1235 an Advocate of this Court is appointed as amicus to assist this Court.

**16.** Learned Standing Counsel is directed to communicate this order to the Principal Secretary (Home) for constitution of the SITs for each districts as directed above within a period of ten days from today. The Standing Counsel shall file a compliance affidavit of constitution of SITs on or before 19.9.2022.

**17.** List for further hearing on ***01.12.2022 showing the name of Shri Sudeep Kumar, Advocate in the cause list.***

**18.** The name of Sri Arun Kumar Tiwari, learned Advocate shall also be shown in the cause list as a Counsel for the respondent.

**19.** The interim order shall continue till the next date of listing.

**Order Date :- 6.9.2022**  
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**[Justice Pankaj Bhatia]**