

ORDER

IFFCO Nagar, RWA was registered under Societies Act, 1860 vide No. 1361/92-93 and subsequently was registered under HRRS Act, 2012 vide No. 341/2013. Sh. O.P. Saxena, R/o H.No. 1107, Sector-17-B having life membership No. 163 filed the petition under Section 21 dated in the office of undersigned with the prayer that 69 Members have been included in the list of the Members by the association/ representative that they have neither filled up the form of membership nor paid membership fees from their account by way of cheque as well as are not having property in their name, however are residing in IFFCO Nagar in Staff Flats being employees of their organization. He further asserted that these members have been nominated by the IFFCO Organization by way of donation of Rs. 30,000/- as well as Membership fee as Rs. 20,000/-. He also categorically stated that Indian Farmers Fertilizers Co-operative Limited, (IFFCO), even is not entitled to membership of the RWA as per Section 23 of the HRRS Act, 2012 being a body cooperate. The petitioner also opposed the membership given to PBN School and Sant Memorial School vide membership No. 260 and 259 respectively.


The reply submitted by Sh. D.S. Yadav, President as well as Sh. B.P. Sharma, General Secretary, RWA, Sec-17 B, IFFCO Nagar, Gurgaon was also perused which clearly states that no membership forms have been received from the 110 members from the office of the IFFCO Nagar which was gradually reduced to 69 members. Moreover fees were also received from their organisation not from these so claimed as ordinary and considered members.

It was also stated by Sh. D.S. Yadav during oral submission that the said Organization have a separate setup including security arrangements infrastructure maintenance etc.

After hearing both the parties and perusing the records, replies, and statements produced before me I am of the opinion that these 69 members of IFFCO Nagar Colony cannot be considered as members of the said RWA since neither they own any property in

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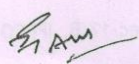
their names nor have filled up membership form and have not paid membership subscription from their own bank accounts by way of cheque. Moreover constitution of the society also does not specify the definition of the ordinary members as such society is directed to amend the By-Laws by way of clarifying the definition of the ordinary members as per the provisions of the HRRS Act, 2012 and the said process be adopted uniformly for all the members. I also direct the society to conduct annual General Meeting and proposed the name of the seven Member Committee so that same may be constituted under section 39 for maintaining day to day affairs of the society including conducting elections since the term of Executive Body has already expired as informed by Mr. O.P. Saxena Petitioner and confirmed by the President Sh. D.S. Yadav.

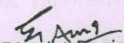

District Registrar
Firms & Societies
Gurgaon
Dated: 12/8/15

Endst. No. GGN/ DIC/ DRI/ 1381

A copy of the above is forwarded to the following for information and necessary action please:-

1. The State Registrar Firms & Societies, 30 Bays Building Sector-17 C, Chandigarh.
 2. The President/ General Secretary, RWA, Sector-17B, IFFCO Colony, Gurgaon.
- ✓ Sh. O.P.Saxena, R/o 1107/17B, IFFCO Colony, Gurgaon.




District Registrar
Firms & Societies
Gurgaon

Extract of the Order dated 21-07-2015 of The State Registrar of Societies, Haryana in case of Appeal No.171 of 2015 filed by Sh. B.P. Sharma General Secretary IFFCO Nagar & Sector 17B RWA U/S 79 of the HRRS Act,2012 against the Order of the District Registrar of Societies,Gurgaon passed on 12.3.2015.

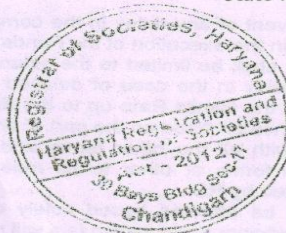
In view of the above, it is apparent that IFFCO was an Institutional member of IFFCO Nagar and Sector 17-B, Resident Welfare Association, Gurgaon under the Societies Registration Act, 1860. But after enactment of HRRS Act, 2012 and registration of the Society under this Act, a body corporate cannot be member of the Society, however, member/ share holder of body corporate can be member of any Society. As the IFFCO has made the payment of membership/ subscription fee in respect of employees of IFFCO, 69 members which are employees of IFFCO cannot be held as valid members unless and until they pay the requisite membership/ subscription fee from their individual account.

I, therefore, upheld the District Registrar, Gurgaon order dated 12.03.2015 to the extent that these 69 members have not paid membership subscription from their own account by way of cheque/DD and on this ground these members cannot be considered as valid members. Since the IFFCO is making contribution regularly, it would be injustice, if one time opportunity is not given to these members (provided these are share holders of IFFCO) for depositing the membership subscription from their individual account and the District Registrar shall afford an opportunity in this regard by giving 15 days time period and such members if found eligible shall also be liable to make payment towards annual maintenance charges as prescribed by the Society. It is further ordered that the District Registrar shall appoint an Administrator to conduct the elections of the Society within three months and to manage the affairs in the intervening period.

Orders be communicated.

Dated: 21.07.2015

(Wazir Singh)
State Registrar of Societies, Haryana



Attested

[Signature]
Assistant Director
Department of Industries &
Commerce, Haryana