

The DCS Act 2003

Section 83 - (1) Notwithstanding anything contained in any law relating to rents or any

other corresponding law for the time being in force in Delhi, any dispute relating to the occupation or recovery of possession of any plot, dwelling unit or flat in any co-operative housing society, the recovery of dues payable by a member or sub- allottee to a co-operative housing society or vice-versa arising on or after the date of the commencement of this Act and suits or proceedings pending in any court after such commencement, shall be deemed to be a dispute within the meaning of section 70 of this Act and shall be decided in accordance with the provisions of this Act, and no court or other tribunal or authority shall have jurisdiction to entertain and decide any proceedings in respect of such disputes. (2) Notwithstanding anything contained in the law relating to rents or any other corresponding law for the time being in force, no licensee, caretaker, or sub- allottee who is occupying the dwelling unit or flat, or plot of land in a co-operative housing society shall be a tenant of such dwelling unit or flat or plot of land within the meaning of that law. (3) Where any property mortgaged to the co-operative housing society including the apex, as the case may be, is wholly or partially destroyed or for any reasons the security is rendered insufficient and the mortgagor having been given reasonable opportunity to repay such portion of loan as may be determined by the co-operative housing society or the apex, as the case may be, has failed to provide such security or to such portion of loans, the whole of the loan shall be deemed to fall due at once notwithstanding the original terms on which the loan was advanced, and the co-operative housing society or the apex, as the case may be, shall be entitled to take action against the mortgagor for the recovery thereof. (4) All loans granted by the co-operative housing society or the apex, as the case may be, and all interests chargeable thereon and costs incurred in making the same, shall be recoverable when they become due by the co-operative housing society or the apex, as the case may be. (5) If any installment payable under the mortgage executed in favour of the co-operative housing society or the apex, as the case may be, or any financial institution which the National Housing Bank, having regard to the objects of this Chapter, has recognised for the purposes of this section, being a financial institution whose main object is to provide housing finance and any part of such installment has remained unpaid for more than ninety days from the date on which it falls due, the co-operative housing society or the apex or the said financial institution may, in addition to any other remedy available to it, apply to the Registrar for the recovery of such installments or part thereof as arrears of land revenue, who will complete the enquiry to satisfy himself about the request within a period of thirty days from the date of receipt of such application and shall either issue a certificate for recovery as arrears of land revenue or reject it after giving grounds for doing so within the said period of thirty days. (6) On the issuance of letter for execution of award, the right of the original allottee member shall be suspended subject to the mortgage interest of the mortgage and in case the property has been transferred through the instrument of power of attorney and agreement for sale, the occupant as power of attorney holder or purchaser of agreement for sale shall be deemed as trespasser. (7) The committee shall give sixty days time to such a person to vacate the premises failing which the committee shall take appropriate legal recourse for implementation of the decision of the committee. Recovery of outgoings and arrears of dues as arrears of land revenue.