

Court No. - 38

Case :- WRIT - C No. - 36575 of 2023

Petitioner :- Pan Realtors Pvt Ltd

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Shivam Yadav, Anup Shukla

Counsel for Respondent :- CSC

Hon'ble Kshitij Shailendra, J.

1. Heard Shri G.K. Singh, learned Senior Counsel assisted by Shri Shivam Yadav, learned counsel for the petitioner and Shri I.P. Srivastava, learned Additional Chief Standing Counsel for respondent nos.1, 2 and 3.

2. The Society in the name and style of PAN OASIS APARTMENT OWNERS ASSOCIATION was registered under the provisions of the Societies Registration Act, 1860 on 12.10.2023. It is contended that the first elections of the said Society were held on 16.04.2023 and the petitioner being builder/promoter filed objections against the said elections on 19.04.2023 before the Deputy Registrar, Firms, Societies and Chits, Meerut. The Deputy Registrar called upon other side to file objections/reply against the petitioner's stand. Thereafter, various notices were issued and replies were exchanged before the Authority.

3. The present writ petition has been filed challenging registration of the Society as well as the elections dated 16.04.2023. It is contended that the Deputy Registrar being Authority competent to take a decision on the objections with regard to the validity of the elections held, the proceedings are still pending before the Deputy Registrar and, till today, have not been decided.

4. I find that no private respondent has been arrayed as a party to the present proceedings. According to learned Senior Counsel, there being approximately 1900 flat owners and the elections have been challenged on various grounds including exclusion of members from election proceedings, the writ petition stands **disposed off** in the following terms:-

(a). The Deputy Registrar, Firms, Societies and Chits, Meerut (respondent no.2) shall facilitate affixation of notices on the Notice Board of the Apartment as well as at other places within the premises of the Apartment informing the flat owners and other persons to appear before the Deputy Registrar on the date which shall be fixed by the Deputy Registrar in the month of **November 2023;**

(b). The Deputy Registrar shall otherwise also ensure that before deciding the dispute pursuant to the objections, everybody whose replies have been brought on record is provided opportunity of hearing;

(c). The Deputy Registrar shall conclude the proceedings pending before him **on or before 15.01.2024** after providing full opportunity of hearing to the petitioner as well as persons referred to hereinabove, provided a certified copy of this order is filed before the Deputy Registrar **within ten days from today.**

Order Date :- 1.11.2023
Jyotsana