



CGHC010241102023



2026:CGHC:35263
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3380 of 2023

Shikshit Swarojgar Udyog Co-Operative Society Limited, Bilaspur,
District Bilaspur Chhattisgarh, Through, President Jyoti Bhushan Gaur,
Having Its Registered Office At Garima Press Bilaspur, District Bilaspur
Chhattisgarh, (A Registered Society, Registered Under The Co
Operative Society Act 1960)

... Petitioner(s)

versus

- 1 -** Shyam Mahila Swa. Sahayata Samuh, Village Jhalamala, Post
Bhaiso, District Janjgir Chamapa Chhattisgarh.
- 2 -** Chief Executive Officer, Janpad Panchyat Akaltara, District Janjgir
Champa Chhattisgarh.
- 3 -** Branch Manager, Punjab Natinal Bank, Branch Tarrod, District
Janjgir Chamjpa Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS System)

For Petitioner : Mr. Ashok Kumar Swarnkar, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

11.08.2026

1. The present petition has been filed challenging the order dated 30.06.2023 passed by Chhattisgarh State Co-operative Tribunal, Bilaspur by which the Tribunal has dismissed the appeal filed by the petitioner holding that the appeal was filed by the petitioner with a belated delay of 21 days. However, no any application for condonation of delay has been filed along with an affidavit, hence, the appeal which has been filed with delay cannot be condoned and cannot be entertained. Accordingly, the appeal itself has been dismissed on the aforesaid ground.
2. Learned counsel for the petitioner submits that the order dated 30.06.2023 is not in accordance with law. It is submitted that the concerned Tribunal ought to have granted an opportunity to the petitioner to file an appropriate application for condonation of delay and thereafter the said application ought to have been considered and decided in accordance with law. The order was passed way back on 30.06.2023 and thereafter, the present petition has been filed seeking the following reliefs:
 - “10.1 This Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner for its kind perusal.
 - 10.2 This Hon'ble Court may kindly be pleased to issue a writ/direction by setting aside the order dated 30.6.23 ANNEXURE P/3 and further direct to restore the case by opportunity been given the

petitioner to submit an application for condoning the delay before in the State of Chhattisgarh Co Operative Tribunal, Bilaspur, in the interest of Justice.

10.3 That, any other relief, this Hon'ble Court, deem fit and proper may also kindly be granted to the petitioner, in the interest of justice.

3. From the perusal of the impugned order, it appears that an application under Section 64 of the Co-operative Societies Act, 1960 has been filed by the petitioner while claiming a sum of Rs.3,55,588/-, stating that some contracts for supplying of several articles to the beneficiary were given to the petitioner and respondent No.3 has to be paid the amount to the petitioner through an account payee cheque/banker's cheque/draft and for this purpose respondent No.3 has given a sum of Rs.2,00,000/- through account payee cheque in the name of the society as part payment. According to the petitioner, after supplying of the articles, the total amount comes to about Rs.5,00,000/- and for that the petitioner has to be given the rest of the amount which has not been paid and as such, along with interest, the petitioner's society has claimed a sum of Rs.3,55,588/-. The said application preferred under Section 64 of the Act, 1960 came to be dismissed. Thereafter, the appeal preferred by the petitioner was also dismissed vide order dated 19.07.2022 passed by the Joint Registrar, Co-operative Society, Bilaspur, Division-Bilaspur (C.G.).

Against the said order, an appeal was preferred before the Chhattisgarh Co-operative Societies Tribunal, which also came to be dismissed vide the impugned order dated 30.06.2023. The said appeal was dismissed on the ground that it was filed with a delay of 21 days and no application for condonation of delay had been filed. Hence, the present petition has been preferred. Further, this Court finds that the appeal preferred by the petitioner before the concerned Tribunal has been dismissed solely on the ground of delay of 21 days and non-filing of an application for condonation of delay. The appeal itself has not been registered for further adjudication on merits.

4. It further appears that the matter was presented by the petitioner/ Shikshit Swaraojgar Udyog Co-operative Society Limited, Bilaspur and one of the members of the said society had appeared before the Tribunal. Though the prescribed period of limitation for filing the appeal was 60 days, the appeal was admittedly presented with a delay of only 21 days. In the facts and circumstances of the present case the concerned Tribunal should have taken a liberal view particularly when the matter was being argued by one of the members of the society and should have directed the said member to file an appropriate application for condonation of delay, however, the same has not been done. Such a hyper-technical view, in the opinion of this Court, cannot be taken, particularly when the delay was only of 21 days and accordingly the Tribunal ought to have directed the concerned petitioner-in-person perhaps the member of

the society to file an appropriate application for condonation of delay which has not been done and as such this Court is of the opinion that the order passed by the concerned Tribunal dismissing the appeal on the ground that the same was barred by limitation by 21 days and that no application for condonation of delay along with affidavit had been filed, amounts to taking a hyper-technical view of the matter by the authorities. The petitioner ought to have been granted an opportunity to file an appropriate application for condonation of delay and the same ought to have been considered and decided in accordance with law. Accordingly, the impugned order dated 30.06.2023 passed by the Chhattisgarh State Co-operative Societies Tribunal, Bilaspur is hereby **set aside**. The matter is remitted back to the concerned Tribunal and the petitioner is directed to appear before the concerned Tribunal along with the application for condonation of delay supported with an affidavit and in turn, the Tribunal shall consider and decide the same in accordance with law, without being influenced by the earlier order passed by the Tribunal preferably **within a period of 45 days** from the date of production of a copy of this order.

5. With this observation and direction, this petition stands disposed of.

SD/-

(Amitendra Kishore Prasad)
Judge

AMIT PATEL

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