

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Civil Writ Petition No.12806 of 2015

Date of Decision: July 01, 2015

Dharambir Dalal son of Shri Kehar Singh, resident of House No.726,
Sector-10, Gurgaon, (President of Residents Welfare Association, Sector-10,
Gurgaon)

...Petitioner

Versus

Director of Industries and Commerce-cum-Registrar General of Societies,
Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Suresh Ahlawat, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 08.05.2015
(Annexure P-7) passed by the Director of Industries and Commerce-cum-
Registrar General of Societies, Haryana-respondent No.1, partly upholding
the order dated 06.11.2014 (Annexure P-5) passed by the State Registrar of
Societies, Haryana-respondent No.2, setting aside the election of the office-
bearers of the Residents Welfare Association, Sector 10, Gurgaon, held on
18.05.2014.

It is the contention of the counsel for the petitioner that as per
the provisions of Section 40 of the Haryana Registration and Regulation of
Societies Act, 2012, the State Registrar of Societies could not have
entertained the challenge to the election of the petitioner as neither a
reference was received by him from the District Registrar nor from
one-fourth members of the General Body or the Collegium. The election of

the petitioner was challenged by only two persons, although there are 900 members of the Society. He contends that the impugned order, thus, cannot sustain.

This contention of the counsel for the petitioner cannot be accepted in the light of para 3 of the order dated 06.11.2014 (Annexure P-5) passed by respondent No.2, wherein it has been mentioned that the District Registrar has made a recommendation to the State Registrar of Societies to take a decision on the petition as per the provisions contained under Section 40 of the Act on the ground that the election was conducted without adopting the procedure under the 2012 Act as amended, especially violating the clause of Collegium i.e. Section 30 (i) and also violative of Section 32 of the Haryana State Registration and Regulation of Societies Act, 2012. It may be added here that the Collegium of there being no quorum at the time of election is not disputed by the counsel for the petitioner. In the said order, after holding that the election of the office-bearers held on 18.05.2014 was null and void, the office-bearers were permitted to continue on *ad hoc* basis for conducting the election within a period of three months from the date of receipt of the order.

On an appeal preferred against the said order, the Appellate Authority i.e. the Registrar General of Societies, Haryana-respondent No.1 has upheld the order passed by respondent No.2 and further held that the Sub Divisional Magistrate, Gurgaon, would be the Administrator of the Society to conduct the election within three months from the date of receipt of copy of the order. He would also manage the affairs of the said Society during the intervening period. The District Registrar has been directed to provide all assistance to the Administrator for the free and fair conduct of election. This

order is dated 08.05.2015 (Annexure P-7).

The orders passed by the authorities, which have been impugned in the present writ petition being in consonance with the Act, do not call for any interference by this Court. The order dated 08.05.2015 (Annexure P-7) passed by the Director of Industries and Commerce-cum-Registrar General of Societies, Haryana-respondent No.1 is reiterated by upholding the same. The elections be held at the earliest and in any case not beyond the period of three months from the date of receipt of copy of the order of respondent No.1.

The writ petition stands dismissed with above observations.

July 01, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**