

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 789 of 2016

Shri Gurunanak Shikshan Samiti Dayalband Bilaspur, Registration No. 686 Through Its President Harbansh Lal Aajmani, S/o Mulkraj Aajmani, Aged About 65 Years, R/o Shivaji Marg, Tikarapara, Dayalband, Bilaspur, P.S. Tarbahar, Tahsil & District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Secretary, Department Of Commerce And Industries, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. Secretary, Department Of Commerce And Industries, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. Registrar Firms & Societies, Office At Indirawati Bhawan, Block 1, Third Floor, Naya Raipur, (Chhattisgarh)
4. Deputy Registrar, Firms & Societies Chhattisgarh, Office At Indirawati Bhawan, Block 1, Third Floor, Naya Raipur, (Chhattisgarh)
5. Assistant Registrar, Firms & Societies Bilaspur Division, New Composite Building, 2nd Floor Bilaspur, Collectorate Campus, Near Nehru Chowk, Bilaspur, (Chhattisgarh)
6. Chandra Prakash Chhabra, S/o Mangal Sen Chhabra, Aged About 55 Years Dayalband, P.S. Tarbahar, Tahsil And District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Alok Bakshi, Advocate.
For State	:	Mr. Satish Gupta, Government Advocate.
For Caveator	:	Mr. Ali Asgar, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/04/2016

Heard.

1. This petition has been filed by the petitioner seeking a direction to respondent No.2 to hear petitioner's appeal on stay application at the earliest/ within seven days. It is also being prayed that respondent No.2 be directed to

decide the appeal within a period of three months.

2. It appears that against an order passed by the Registrar under the provision of the C.G. Societies Registration Act, the petitioner has preferred an appeal before the State Government along with application for stay. The petitioner has rushed to file this petition because the stay application is pending and in the meantime, the Enquiry Officer is proceeding to hold an enquiry.

3. The petitioner's prayer is that his stay application be decided before it becomes infructuous and Enquiry Officer proceeds to submit any report adverse to the petitioner. According to learned counsel for the petitioner, on the ground that the complaint against the petitioner was not maintainable, no order could be passed by the Registrar on that application.

4. On the other hand, learned counsel for the caveator submits that at present, no adverse order has been passed and only enquiry is being held. According to him, the Registrar has rightly issued the order.

5. It is stated before the Court that the stay application is listed for consideration before the Appellate Authority on 28th of April, 2016. At this stage, I am not inclined to interfere with the matter. The petitioner may press his application for stay. Any order adverse to the petitioner will be subject to the decision passed by the Appellate Authority, however, the Appellate Authority is directed to consider and decide the stay application on 28th of April, 2016 without granting unnecessary adjournment to any of the parties.

6. The petitioner may request the Enquiry Officer to abstain from finalizing the enquiry till the application for stay is decided by the Appellate Authority.

7. With the aforesaid observation, the petition is disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)

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