

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (Civil) No.391 of 2016**

Bharat Grih Nirman Sahakari Samiti Maryadit, a registered society duly registered under the Chhattisgarh Cooperative Societies Act, 1960 bearing its registration No.RPR 62/80-81, having registered office at 15/480, 'Manjusha', Rajbhawan Marg, Civil Lines, Raipur, District Raipur (C.G.), through its President Lalit Kumar Singhania, S/o Late Jeevan Lal Singhania, aged about 63 years, R/o 15/480, Civil Lines, P.S. Civil Lines, Raipur, District Raipur, Chhattisgarh

---- Petitioner**versus**

N.R.K. Chandrawanshi, the Deputy Registrar, Cooperative Societies, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Ashish Surana, Advocate
For Respondent	:	Shri Rajeev Shrivastava, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Deepak Gupta, Chief Justice****26.10.2016**

- The main grievance in this contempt petition is that the order passed by the Deputy Registrar is an unreasoned order and goes against the spirit of the judgment dated 10.2.2015 passed in Writ Petition (C) No.1182 of 2014. The operative portion of the judgment reads as follows:

“7. The order dated 29.1.2014 is therefore set aside and the matter is remanded to the Deputy Registrar for passing fresh orders in accordance with law after granting opportunity of personal hearing also.

8. If the Petitioners still be aggrieved by such fresh orders, the remedy shall appropriately first lie before the Co-operative Tribunal.”

- The grievance of the Petitioner is that the Deputy Registrar has passed an unreasoned order. If the order is unreasoned then the order may be illegal for not giving any reasons, but that would not

amount to contempt. A party can only be held guilty of contempt when it willfully disobeys the orders of the Court. There was no specific direction to the Deputy Registrar to pass a reasoned order. Therefore, we find that the contempt petition is misconceived. The Petitioner in terms of the judgment shall have to challenge the order passed by the Deputy Registrar before the Cooperative Tribunal. We, however, clarify that in case the Petitioner files a proceeding before the Cooperative Tribunal within a period of 30 days from today, the same shall not be rejected on the ground of being barred by limitation. We further direct the Cooperative Tribunal to decide the matter within three months from the date the proceeding is filed before the Tribunal.

3. Consequently, the contempt petition is dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE