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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 6039/2015, CM APPL.10974/2015

JAYPEE CGHS LTD & ORS Petitioner
Through: Mr. B.N. Singh, Advocate.

Versus

THE REGISTRAR, COOP SOCIETIES & ANR Respondents
Through: Mr. Naushad Ahmad Khan, ASC (Civil),
GNCTD with Ms. Aastha Nigam, Advocate for
Resp-1/RCS.
Mr. Kumar Sameer, Advocate for Resp-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
24.02.2016

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The short controversy in this case is whether the impugned order of the Registrar directing the petitioner society to hold a special General Body Meeting was warranted. The petitioner's membership according to it is 256. It alleges that 43 of them were signatories for the requisition of adequate members to move a 'no confidence motion' through a special General Body Meeting. Section 36 mandates that at least 1/5th of the total number of members have to support the requisition for special General Body.

In this case, the Registrar straightaway upon receipt of the application and requisition directed the Society to hold the General

Body Meeting.

This Court is of the opinion that the impugned order, to the extent that it directed the holding of the meeting without the satisfaction by the Registrar after due notice to the Society, cannot be sustained. It is accordingly set aside. However, the Registrar is directed to determine afresh, after satisfying himself by perusal of the original records to be produced by the Society, as to the number of Members who wish to support the special Resolution and pass the appropriate order. The process of hearing and the conclusion drawn shall be completed within six weeks from today, after which the order shall be made within two weeks from then. For this purpose, the petitioner shall produce before the Registrar the records pertaining to the three previous years ending on 31.03.2014.

Writ Petition stands disposed of.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 24, 2016

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