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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8043/2015 and CM No. 16493/2015
C.S. AZAD AND ORS. Petitioners

Through: Mr J.K. Singh and Ms Madhulika
Agarwal, Advs.

versus

OFFICE OF THE REGISTRAR, COOPERATIVE SOCIETIES AND
ANR. Respondents

Through: Mr Peeyoosh Kalra, Additional
Standing Counsel for GNCTD and Mr Shiva
Sharma, Mr Ankit Khurana and Ms Sona Babbar,
Advs.
Mr J.N. Gupta, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **21.03.2016**

The petitioner's grievance is that the impugned order dated 07.07.2015 allowed the review proceedings filed by the respondents against the earlier order of 01.04.2015. By the said first order, the Assistant Registrar had appointed an Administrator to take over the management and affairs of the respondent-cooperative society. The appellant's complaint is that the subsequent order whereby the Assistant Registrar's order (01.04.2015) was reviewed, i.e., on 07.07.2015, is contrary to law inasmuch as the mandatory provisions with respect to grant of opportunity of hearing were flouted. Counsel

for the cooperative societies submits that these proceedings should not be entertained on account of subsequent event. It is submitted that the effect of the review order is to restore the managing committee because the earlier order of 01.04.2015 had declared the election void. That was on account of the finding by the Registrar that the Managing Committee had *inter alia* reduced the minority and, therefore, could not have appointed a Returning Officer.

We have considered the submissions of the parties. There can be no dispute about the fact—in the circumstances of this case, that the review order was made without considering the submissions of the parties who had moved the Registrar in the first instance. Those proceedings culminated in the order of 01.04.2015 on account of a complaint addressed by a section of the society's membership on 02.02.2015. It is not disputed that the Society and its Managing Committee were, in fact, heard when the order of 01.04.2015 was made. In the circumstances, the order reviewing the earlier decision (impugned in these proceedings, i.e., the order dated 07.07.2015) is *per se* invalid and in nullity. It hardly needs to be emphasized that in any proceedings, an opportunity to be heard must be afforded to parties, before a decision can be pronounced. The Assistant Registrar's order was a judicial order and in order to be recalled, having regard to the terms of the statute empowering the authority to do so, the procedure adopted in the first instance, i.e., grant of opportunity of hearing to the parties likely to be affected by the order had to be followed. The materials on the record clearly show that this procedure was not followed at all and the Registrar who reviewed the

earlier order on 01.04.2015 did so without issuing notice to the present writ petitioner.

For the above reasons, the impugned order of 07.07.2015 is hereby set aside. The review petition shall be considered afresh by the Registrar and a final decision be taken within eight weeks from today. It goes without saying that the petitioner shall be granted an opportunity of hearing.

The writ petition is allowed in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MARCH 21, 2016

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