

201

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

**CWP-1152-2012 (O&M)
Date of decision : 31.05.2017**

Shanti Devi

... Petitioner(s)

Versus

Gurgaon Citizen Employees Cooperative Group Housing
Societies Ltd. and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Meena Chaudhary Sharma, Advocate with
Mr. Gaurav Kathuria, Advocate
for the petitioner.

Mr. Pardeep Solath, Advocate
for respondent No.1.

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

The grievance of the petitioner, in the present writ petition, in short, is against the cancellation order dated 14.09.2008 of the Society, which has been approved by the Registrar, Cooperative Societies, and an appeal under Section 4 of the Haryana Cooperative Societies Act, was filed before the Registrar Cooperative Societies, but the Department at its own level, entrusted the matter to the Deputy Registrar, Cooperative Societies, resulting into, passing of an arbitration award dated 29.07.2010. The aforementioned order was assailed by filing a revision petition before the Special Secretary to Government to Haryana, Cooperation/Financial Commissioner, who vide order dated 09.08.2011 (Annexure P-1) allowed

the revision petition holding that the Deputy Registrar, Cooperative Societies did not have the jurisdiction to try with the matter owing to premise that the order of the cancellation of the membership was approved by the Registrar, in essence, there is no adjudication on merits of the dispute i.e. pertaining to the cancellation, as to whether in accordance with the bye-laws or not, much less, adherence to the principles of natural justice. In my view, the petitioner cannot be thrown out on such technical issues and the Financial Commissioner should have remanded back the matter to the Registrar Cooperative Societies for adjudication afresh.

Without commenting upon the merits and demerits of the case, whether, the petitioner has been served with the show cause notices or not, which will be within the domain of the Registrar, Cooperative Societies to decide the same, I deem it appropriate that the appeal preferred by the petitioner against the order of the cancellation of the membership, which has been tried by the Deputy Registrar, shall now be decided afresh by the Registrar Cooperative Societies. The parties shall be at liberty to raise all possible pleas in support of their rival contentions and pleadings.

Resultantly, the impugned order dated 09.08.2011 (Annexure P-1) passed by the Financial Commissioner and order dated 29.07.2010 (Annexure P-14) of the Deputy Registrar, Cooperative Societies, are hereby set aside and the matter is remitted to the Registrar, Cooperative Societies, Gurgaon, to decide the controversy afresh.

This Court is sanguine of the fact that since much time has already been spent in this litigation, the Registrar, Cooperative Societies, Gurgaon, shall decide the controversy afresh as expeditiously as possible preferably within a period of ten months from the date of the receipt of the

certified copy of this order.

Since, the petitioner had availed the remedy within a prescribed period, the question of limitation would not arise.

The parties or through their counsel are directed to appear before the Registrar, Cooperative Societies, Gurgaon on 05.07.2017.

Disposed of, accordingly.

31.05.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No