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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22023 of 2017
Date of decision:27.09.2017

Wellington Estate Condominium Association …Petitioner

Versus

The Registrar General of Societies and others …Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Prabhjot Kaur, Advocate,
for the petitioner.

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Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the order dated 10.06.2016 passed by the District Registrar, Firms & Societies, Gurgaon, order dated 20.09.2016 passed by the State Registrar of Societies, Haryana and the order dated 12.05.2017 passed by the Director of Industries and Commerce-cum-Registrar General of Societies, Haryana.

In brief, the District Registrar, Firms & Societies, Gurgaon, vide his order dated 10.06.2016, appointed Shri S.K.Bareja, Chartered Accountant, as an auditor to audit the accounts of the petitioner-association for the years 2013-14, 2014-15 and 2015-16 at their expenses under the provisions of the Haryana Registration and Regulation of Societies, 2012 (hereinafter referred to as the "Act"). The said order of the District Registrar was challenged by the petitioner-association by way of appeal filed under Section 79 of the Act, which was dismissed by observing that the petitioner-association had submitted the balance sheets for the aforesaid years to the District Registrar but the same were not approved/accepted in the Annual General Body meeting and in order to maintain transparency in the accounts, the District Registrar had appointed the Chartered Accountant for auditing the accounts, for which the petitioner-association has pleaded to change the said Chartered Accountant but could not prove that he is related to any member of the society and thus, the appeal was dismissed on 20.09.2016.

Still aggrieved, the petitioner-association approached the Registrar General of Societies again by way of appeal, filed under Section 79 of the Act, in which the petitioner-association objected to the unnecessary burden being placed on the financial resources of the society by way of auditors fee. This argument was not found untenable by the Registrar General of the Societies who observed that in case the allegations of serious financial irregularities are not substantiated, then the complainants shall be liable to deposit the costs borne by the society for getting the audit conducted.

Although learned counsel for the petitioner has vehemently argued that the impugned orders suffer from irregularity as the auditor should not have been appointed and that it would unnecessarily burden the society with the financial costs of audit but it appears that the Registrar General of Societies has passed a very balanced order because he has observed that in order to bring transparency in the financial affairs of the society, against which the complaint has been made, it would be just and expedient to get the accounts of the society, for the three financial years, audited by an independent Chartered Accountant and in case the allegations of serious financial irregularities are not substantiated, then the entire costs of audit would be shifted upon the complainants.

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Thus, in view of the aforesaid facts and circumstances, I do not find any reason to interfere with the impugned orders and hence, the present writ petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 27, 2017 **(Rakesh Kumar Jain)**
vinod* **Judge**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No