

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.27784 of 2017
Date of Decision: 07.12.2017

Sudershan Kumar Sharma

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Arn timer K. Sood, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is aggrieved against the order dated 29.7.2010 passed by the Sub-Registrar, Cooperative Societies, Gurgaon (Arbitrator) dismissing the application filed by him under Section 102 of the Haryana Cooperative Societies Act, 1984 [for short 'the Act'] by observing as follows: -

“Both petitioner and respondent party are head and their statements and documents have been perused. After perusing the enquiry report of Inspector, Cooperative Societies, Gurgaon submitted by respondent which was also sent Letter No.466 Dated 30.07.2008 to Registrar, Cooperative Societies, Gurgaon, it is found that amount of ₹40,000/- which was given by petitioner to respondent society, he cannot produce any

proof regarding this payment and neither he can give any fact with regard to this statement. If petitioner has actually given then he should have receive a receipt for this money. Apart from this, petitioner has stated that he has given an amount of ₹55,000/- to the husband of president for depositing the money to HUDA Department, it also does not seems as true fact because petitioner also couldn't produce any firm evidence regarding this fact. After this, immediately, I perused the enquiry report of Sub Registrar, Cooperative Societies, Gurgaon received with Letter No.1601 Dated 21.08.2006, which was sent to Deputy Commissioner of Police, Gurgaon and also perused the resignation letter given by petitioner to the respondent Society which was accepted by the respondent society in their meeting held on 17.6.2004.

And the order dated 16.6.2014 passed by the Additional Registrar (Marketing), Cooperative Societies Haryana, Panchkula in appeal filed under Section 114 of the Act against the order dated 29.7.2010 in which the following observation has been made: -

“So, after examined the relevant records of the case from all aspects and heard the arguments of both the parties at length, I have reached to this final conclusion that the DRCS Gurgaon has based his decisions on sound grounds and proper procedure has been followed. The appeal in the matter was already rejected by RCS Haryana and even then matter has been raised by appellant at different times. On the request of appellant and to found the truthness of allegations the account related to society was called and photocopies submitted by the society were kept in case file. But appellant failed to prove that he has deposited contribution towards cost of land and also that he did not resign from the membership of the society. Therefore, I do not find any merit in the grounds of appeal to dismiss the decision of DRCS Gurgaon. Thus, I dismiss the appeal.”

Learned counsel for the petitioner has though vehemently argued that the impugned orders are patently illegal and liable to be set aside but he failed to give any cogent reason for not filing the writ petition immediately after the decision of 16.6.2014 and for filing it after more than

three years of the said order. Besides that, the impugned orders are based upon the appreciation of facts and by giving cogent reasons for disagreeing with the petitioner, therefore, the present petition is found to be devoid of any merit and the same is hereby dismissed though without any order as to costs.

07.12.2017 <i>Vivek</i>		(RAKESH KUMAR JAIN) JUDGE
	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>