

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

LPA No.1632 of 2017 (O&M)

Date of Decision : 09.11.2017

Batala Cooperative Sugar Mills Limited

....Appellant

Versus

Kanwaljit Singh and others

...Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr.Vikas Singh, Advocate
for appellant.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned
Single Judge dated 02.08.2017.

The appellant while issuing the election schedule had given a
go by to the second proviso to Section 26 (1) of the Punjab
Cooperative Societies Act, 1961 on the premise that it does not apply
to the Central Society which the appellant has challenged. Section 26
(1) is extracted herebelow :-

“26(1) The members of the Committee of a co-operative
society shall be elected in the manner prescribed & no person
shall be so elected unless he is a share holder of the society.

Provided that the maximum number of members of the
committee of a co-operative society shall not exceed twenty
one;

Provided further that there shall be reservation of one seat for
the scheduled castes and two seats for women on the

committee of every co-operative society consisting of individuals as members and having members from such class or category of persons.”

A perusal of the above does not indicate that it makes any distinction between a primary society and central society. All that is referred to is that it applies to the cooperative society. If that is so then the findings of the learned Single Judge cannot be faulted with where following mandate has been given :

“Thus, in my considered opinion, election programme (Annexure P-2) deserves to be set aside and hence, the present writ petition is allowed, election programme (Annexure P-2) is hereby set aside and direction is issued to the respondents to issue fresh election programme in accordance with Section 26(1) of the act as amended.”

The argument of the learned counsel for the appellant that Section 26(1) be read restricted only to primary societies, is misplaced as rules of interpretation of statutes would clearly require that the provision of statute be read as it is.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

09.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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