

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA no. 562 of 2017 (O&M)
Date of Decision : 28.07.2017

Indersain Aggarwal and another

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present : Mr. Ramesh Goyat, Advocate for the appellants

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 15.2.2017 where matter has been remanded back to the Registrar to look into the matter in terms of Section 99 of the Haryana Cooperative Societies Act, 1984(hereinafter referred to as the 'Act')

Learned counsel for the appellants with reference to Section 99 states that it applies only in the case of creditors. Section 99 of the Act is reproduced hereinbelow:-

“Section 99. Inspection of books of indebted societies-(1) The Registrar shall on the application of a creditor of co-operative society, inspect or direct some person authorized by him by order in

writing in this behalf to inspect the books of the society:

Provided that no such inspection shall be made unless the applicant -

(a) satisfies the Registrar that the debt is due and that he has demanded payment thereof and has not received satisfaction within a reasonable time, and

(b) deposits with the Registrar such sum as security for the costs of proposed inspection as the Registrar may require.

2. The Registrar shall communicate the result of any such inspection to the creditor.”

Interestingly, learned counsel for the appellants does not dispute that Registrar himself is empowered to look into the dispute raised in writ proceedings but merely questions the remand with a direction to the Registrar to invoke Section 99.

If that be so, then we are of the opinion that the present appeal is totally frivolous. It is a clarification that the appellants should have sought from the learned Single Judge himself. Even otherwise de hors the provisions of law, once the Registrar is competent to look into and the matter is remanded back to the same authority for consideration, there should not have been any cause of grievance to the appellants and rather this could have been easily explained to the Registrar himself. We find that the instant appeal is totally frivolous and the same is hereby dismissed with costs of Rs. 20,000/- leaving the appellants to the mandate of the learned Single Judge that the matter be looked into for further action, in the light of

the audit report by the Registrar. It is, however, clarified that the Registrar would apply his mind independently to apply the provision of law that is relevant.

Costs imposed shall be deposited before the Mediation and Conciliation Centre of this Court within a period of one month from the date of receipt of certified copy of this order.

(Mahesh Grover)
Judge

(Raj Shekhar Attri)
Judge

28.07.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No