

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 6595 of 2008**

Raipur Bharatiya State Bank Adhikari Sangh Sinkshan Samity Avanti Vihar, Raipur (C.G.) {A society registered under MP/CG Society Registrickaran Adhiniyam, 1973} through Shri Sanjay Bhoumik, Vice President, authorized by the Society.

----Petitioner.

Versus

1. State of Chhattisgarh, Through its Secretary Commerce, Industries and Public Undertaking Department, D.K.S. Bhawan Raipur (C.G.)
2. Registrar Firms and Societies O-5, Anupam Nagar, Raipur (C.G.)
3. Lalji Soni, S/o Sri M.L. Soni, Om Jewelers, Purani Basti, Raipur (C.G.)
4. Ramesh Gupta, S/o Late Sri. D.L. Gupta, D-338, Sector-5, Tagore Nagar, Raipur (C.G.)
5. Jagdish Lal Dua, S/o Late Sri Amarchand Dua, D-306, Sector-5, Tagore Nagar, Raipur (C.G.)
6. B.R. Dewangan, S/o Sahdev Ram Dewangan, Beside Chanya Palace Near Pachpedi Naka Raipur (C.G.)
7. Sita Ram Pandey, S/o Sri S.P. Pandey, Near Deshabndhu Sangh Ganjpara, Raipur (C.G.)
8. M.M. Agrawal, Late Sri. P.N. Agrawal, 39/524, Amin Para, Raipur (C.G.)

---- Respondents

For Petitioner	: Mr. Ghanshyam Patel, Advocate
For Respondents No. 1 & 2/State	: Mr. Anand Dadariya, Dy. Govt. Advocate.
For Respondents No. 3 to 8	: Mr. Sachin Singh Rajput, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/07/2018

1. This writ petition is directed against the order dated 05.6.2008 passed by the State Government partly dismissing the appeal filed by the petitioner.

2. Learned counsel appearing for the petitioner would submit that the Registrar, Firms and Societies by its order dated 05.12.2006, dismissed the petitioner's appeal preferred under Section 40(1)(b) of the Chhattisgarh Society Registrkaran Adhiniyam, 1973 (henceforth "Adhiniyam, 1973") on the ground of limitation and when the petitioner preferred further appeal before the State Government, the State Government though condoned the delay in filing the appeal but further proceeded to decide the matter on merits, which is bad and unsustainable in law.

3. Learned counsel appearing for the respondents would support the impugned order and submit that the State Government is absolutely justified in condoning the delay and thereafter hearing the matter on merits as the petitioner has joined the issue and contested on merits also.

4. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also went through the record with utmost circumspection.

5. It is not in dispute that the petitioner's appeal preferred before the Registrar, Firms and Societies was dismissed on the ground of limitation. In further appeal laid before the State Government, the *lis* before the State Government as quasi judicial Authority was only as to whether the appeal preferred by the petitioner was barred by limitation and the delay, if any, is required to be condoned. But, in appeal, though the appellate authority / State Government condoned the delay in filing the appeal but proceeded to decide the matter on merits, which was not the *lis* taken before the State Government.

6. The jurisdiction of the adjudicating authority is always confined to the *lis* brought before that authority and any order beyond the *lis* would be in excess of jurisdiction as in this case, *lis* brought before the appellate authority / State Government was only legality and correctness of the order passed by the Registrar, Firms and Societies dismissing the appeal as barred by limitation, therefore, the State Government committed jurisdictional error in deciding the matter on merits after condoning the delay in filing the appeal.

7. As a fallout and consequence of the aforesaid discussion, order of the State Government to the extent of finally deciding the appeal on merits is set aside. The matter is remitted to the Registrar, Firms & Societies to hear and decide the appeal on merits after hearing the affected parties.

8. The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-