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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 235/2018 & CM APPL. 16715-16/2018

PRAVEEN SINGH ARON Appellant

versus

REGISTRAR OF SOCIETIES & ORS Respondents

+ LPA 236/2018 & CM APPL. 16717-18/2018

PURSHOTTAM GOYEL Appellant

versus

REGISTRAR OF SOCIETIES & ORS Respondents

Present: Mr. Shiv Bhatt with Ms. Kumkum Bhatt, Advs. for
appellant.
Ms. Prabhsahay Kaur, Adv. for GNCTD/Registrar of
Societies.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **26.04.2018**

These two appeals are in respect of an order of the learned Single Judge dated 06.02.2018 disposing of the main writ petition and 09.03.2018 rejecting the appellant's review petition. The Single Judge in the original order of 06.02.2018, had quashed and set aside an order of the Registrar of Societies declaring certain

amendments carried out in the Memorandum of Association of the Jawaharlal Nehru Youth Centre as null and void. The present appellants contend that the order was made without a proper hearing of the General Director of the Society who was specifically authorized to institute and defend legal proceedings and who therefore sought impleadment in the proceedings. It was contended that the Single Judge's observations with respect to the invalidity of the order impugned by the writ petitioners (an order of the Registrar dated 15.02.2016) declaring the amended Memorandum of Association and Rules of the Society – submitted to that office on 17.08.2009, to be void, is untenable. The Single Judge held that no show-cause notice or a proper opportunity preceded that order.

The appellant's counsel points out that the Single Judge's observations are prejudicial and also inaccurate because a show-cause notice, in fact, was issued on 30.10.2014 and that having regard to the totality of facts and circumstances, the Registrar was justified in holding the amendments to be void and *non est*. It was, at the same time, submitted that the Society has two warring factions of its members who are attempting to gain control of the management and that a Civil Suit No.57975/2016 is pending on the file of the Additional District Judge, New Delhi Courts.

This Court is of the opinion that no interference with the orders of the learned Single Judge is called for in the circumstances. The appellant, no doubt, is correct when he points

to the fact that a show-cause notice did precede the impugned order. At the same time, the Court also notices that the order nowhere records that opportunity was ever accorded to the parties before the finding of the amendments having been made contrary to the provisions of the Societies Registration Act, 1860, was rendered. At the same time, having regard to the further circumstance that a civil suit is pending on the same issue, the Court is of the opinion that no finality should be attached to the observations of the learned Single Judge, with regard to the legality or correctness of the impugned order. All rights and contentions with respect to the correctness of the procedure adopted by the parties who are carrying out the amendment are kept open.

The appeals are disposed of in the above terms. The pending applications too are disposed of.

Order *dasti*.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 26, 2018

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