

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

**CWP-3709-2019 (O&M)
Date of Decision: 25.02.2019**

Joginder Chawla

... Petitioner

Versus

The Registrar General, Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Dinesh Arora, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner has filed the instant writ petition assailing the order dated 28.09.2018 (Annexure P-15) passed by the Director of Industries and Commerce-cum- Registrar General of Societies, Haryana and in terms of which the appeal preferred by the petitioner has been dismissed being barred by limitation.

Section 79(3) of the Haryana Registration and Regulation of Societies Act, 2012 reads in the following terms:

“Section 79(3):

Any appeal shall be filed within a period of sixty days of the date of issue of the impugned orders. The appellate authority may entertain an appeal beyond this period up to a maximum of another sixty days on sufficient grounds for condonation of delay being shown.”

Counsel does not dispute that the appeal that had been preferred by the petitioner herein was not only beyond the period of 60 days from the date of issue of impugned order dated 13.03.2018 (Annexure P-14) passed by the State Registrar of Societies Haryana but was also after the elapse of

the maximum period of another 60 days which the Appellate Authority on finding sufficient grounds could condone.

On the last date of hearing i.e. on 11.02.2019, the following order was passed:

“Counsel seeks time to cite case law in support of his contention that this Court, in exercise of its extra-ordinary writ jurisdiction, may under the peculiar facts and circumstances of the case entertain the prayer for condonation of delay even beyond the extended period envisaged under Section 79(3) of the Haryana Registration and Regulation of Societies Act, 2012.

List on 25.02.2019.”

During the course of hearing today, counsel very fairly states that the poser contained in the order dated 11.02.2019 passed by this Court stands answered against the petitioner by a judgment of the Full Bench of this Court dated 30.09.2014 in LPA-377-2012 titled as **State of Haryana Vs. Hindustan Machine Tools Limited and others**. Counsel further submits that even the Apex Court in the case of **Bengal Chemists and Druggists Association Vs. Kalyan Chowdhury, 2018 (5) RCR (Civil) 25** has taken a view contrary to the one sought to be canvassed in the instant petition with regard to limitation.

In view of the above, no infirmity is found in the impugned order dated 28.09.2018 (Annexure P-15).

Writ petition is dismissed.

25.02.2019

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |