

(1)

CWP-10060-2018 (O&M) & connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 29th July, 2019

(1)

CWP-10060-2018 (O&M)

Charanjit Singh

...Petitioner

Versus

Additional Registrar (I), Cooperative Societies, Punjab & others

...Respondents

(2)

CWP-10061-2018 (O&M)

Rajwant Singh

...Petitioner

Versus

Additional Registrar (I), Cooperative Societies, Punjab & others

...Respondents

(3)

CWP-10062-2018 (O&M)

Gurmail Singh

...Petitioner

Versus

Additional Registrar (I), Cooperative Societies, Punjab & others

...Respondents

(4)

CWP-10063-2018 (O&M)

Ashok Kumar

...Petitioner

Versus

Additional Registrar (I), Cooperative Societies, Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate
for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

Mr.R.K. Sharma, Advocate
for respondent No.3.

AUGUSTINE GEORGE MASI, J.

By this order, I propose to dispose of CWP-10060-2018, CWP-10061-2018, CWP-10062-2018 and CWP-10063-2018 as common order dated 22.03.2018 (Annexure P-1) passed by the Additional Registrar (I) Cooperative Societies, Punjab – respondent No.1 exercising the power of the Registrar Cooperative Societies, Punjab, has been challenged in these writ petitions, whereby, appeals preferred by the petitioners against the orders dated 12.01.2018 (Annexure P-2) passed by the Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, exercising the powers under Section 27 of the Punjab Cooperative Societies Act, 1961 (hereinafter referred to as '1961 Act'), have been dismissed as not maintainable on the ground that the impugned order passed by the Joint Registrar Cooperative Societies, Punjab, was as a delegatee of the Registrar.

2. Briefly, the facts are that the petitioners represented their primary cooperative societies in the Nawanshahr Central Cooperative Bank Limited, Nawanshahr (hereinafter referred to as 'Bank'). The management of the Bank, which is registered under the 1961 Act, is vested with the Board of Directors, as per the provisions of statute, rules and bye-laws. Petitioners in the writ petitions were elected as Directors of the Board of Directors on 07.06.2014. As per Section 26 (1-B) of the 1961 Act, the term

of elected Board is five years from the date of its elections and therefore, were to continue till 06.06.2019 unless otherwise removed as per the provisions contained under the 1961 Act.

3. Notices were issued to the petitioners on the basis of a legal notice dated 02.08.2017 received on behalf of the President of Bharowal Multi-Purpose Cooperative Agricultural Society Limited, wherein, it was asserted that in view of the provisions contained in 1961 Act and Rule 26 (a) of the Punjab Cooperative Societies Act, 1963 (hereinafter referred to as '1963 Rules'), the societies represented by the petitioners had defaulted for more than three months as there was loan outstanding against the societies, therefore, societies become ineligible and the representative would, therefore, cease to be member of the Board of Directors. After reply having been received, a report was submitted by the Deputy Registrar, Cooperative Societies, dated 03.10.2017, to the Joint Registrar, Jalandhar Division, Jalandhar, wherein, it was concluded that there has been default in repayment of non-agricultural short term loan by the cooperative societies represented by the petitioners for more than three months because of which and in view of bye-law 34 (ii) of the Bank, petitioners, could not remain Directors of the Board of Directors. Recommendation for taking action against them was made as they had been rendered ineligible.

4. Show cause notices were served upon the petitioners by the Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, to which, written replies were submitted by them and an explanation given as to how there had been no default on the part of the societies which were

being represented by them including challenging the jurisdiction of the Joint Registrar Cooperative Societies to issue such a notice on the ground that the powers under the bye-laws have not been conferred or delegated by the Registrar upon the said authority. The Joint Registrar proceeded to hold that the societies represented by the petitioners were defaulters of the Bank for more than three months and therefore, the petitioners were ineligible to continue as Directors of the Board of Directors in view of Rule 26 (2) and bye-law 34 (ii) of the Bank. Exercising the powers of the Registrar Cooperative Societies, Punjab, under Section 27 of the 1961 Act, he ordered ceaser of membership of the petitioners from the Board of Directors of the Bank vide order dated 12.01.2018 (Annexure P-2).

5. These orders were challenged by the petitioners by filing four separate appeals before the Registrar Cooperative Societies, Punjab, who marked these appeals for decision to the Additional Registrar Cooperative Societies, Punjab. The appeals have been dismissed vide common order dated 22.03.2018 (Annexure P-1) holding them to be not maintainable, thus, these petitions.

6. It is the contention of the learned senior counsel for the petitioners that Section 68 Sub-section (1) Clause (e) of 1961 Act, provides for appeals and an order made by the Registrar or his delegatee, removing or suspending a committee or a member thereof under Section 27 of the 1961 Act, is appealable. However, in the light of Section 68 Sub-section (2) Clause (c), appeal would be maintainable before the Registrar against the decision or order made under Sub-Section (1) within a period of 60 days

from the date of decision or order, which has been passed by the Joint Registrar or Additional Registrar. Reference has also been made to Sub-section (5) of Section 3 of 1961 Act, wherein, it is provided that if the power of the Registrar is delegated as per the notification issued by the Government on a person and the same is exercised by a person other than the Registrar, it shall be deemed to be an order or decision of that person and not of the Registrar. He, thus, contends that the appeals by the petitioners would be maintainable before the Registrar and the dismissal of the same by the Additional Registrar (I) Cooperative Societies, Punjab, vide the impugned order dated 22.03.2018 (Annexure P-1) as not maintainable, cannot sustain.

7. Assertion of the learned senior counsel for the petitioners is based upon these two provisions i.e. Sections 68 (2) and 3 (5) of the 1961 Act, to contend that although the order dated 12.01.2018 (Annexure P-2) has been passed by the Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, exercising the powers of the Registrar under Section 27 of the 1961 Act but in the light of the specific provisions of Sub-section (5) of Section 3 of 1961 Act, which provides that the order passed by a person as per the notification issued by the Government under Section 3 (3), exercising the powers of the Registrar, would be deemed to be the order or decision of that person only and not that of the Registrar and thus, appeal would lie as per Section 68 (2) (c) of 1961 Act, to the Registrar.

8. On the other hand, learned counsel for the State as well as respondent No.3 submit that the powers which have been exercised by the

Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, while passing the order dated 12.01.2018 (Annexure P-2) were that of the Registrar Cooperative Societies, Punjab under Section 27 of the 1961 Act and therefore, being the delegatee of the Registrar, appeals to the same authority would not be maintainable. They have placed reliance upon the Division Bench order of this Court in **Brij Lal Vs. The State of Punjab & others**, 1973 PLJ 462. Reliance has also been placed upon the Division Bench judgment of this Court in **Lakha Singh Vs. Registrar, Cooperative Societies, Punjab, Chandigarh etc.** 1972 PLJ363 to contend that the Legislature has conferred the power of removal on the Registrar only and the cessation of a member under Rule 26 of 1963 Rules has to be decided by an authority vested with the powers of Registrar and therefore, the appeal would not be maintainable before the Registrar. Reliance has also been place on another Division Bench judgment of this Court in **Kot Shamir Cooperative Agricultural Service Society Ltd. Vs. State of Punjab** 2000 (2) PLJ 48, where it has been held that an order passed by a delegatee of a Registrar would be deemed to be the order passed by the Registrar himself and if that be so, no appeal would be maintainable.

9. I have considered the submissions made by the learned counsel for the parties and with their assistance have gone through the records of the case.

10. Before proceeding further with the matter, it would be appropriate that the relevant provisions of the statute be referred to.

11. Rule 26 of 1963 Rules, which deals with cessation of

membership of a committee, reads as follows:-

“26. Cessation of membership of committee – A
member of the committee shall cease to hold his office as
such if he:-

(a) continues to be in default in respect of any sum due
from him to the cooperative society for such period as
may be laid down in the bye-laws;

(b) ceases to be a member;

(c) is declared insolvent;

(d) becomes of unsound mind;

(e) is convicted of an offence involving dishonesty or
moral turpitude; or

(f) fails to attend three consecutive meetings of the
committee without leave of absence;

(g) fails to comply with the directions given by the
Registrar for sharing of any information with the
members of the cooperative society or fails to produce or
fails to cause to be produced any record of information
required by the inquiry officer in any inquiry ordered by
the Registrar;

(h) commits any act which is prejudicial to the interests
of the cooperative society or its members; or

(i) becomes subject to any dis-qualification which would
have prevented him from seeking election, had he
incurred that qualification before election.”

12. **Bye-law 34 (ii)** of the registered bye-laws of the Bank is as under:-

“A member of the Board of Directors other than the member nominated under Section 26 (2) of the Punjab Cooperative Societies Act, 1961, shall cease to hold office if he”-

(i) XXXX XXXX XXXX

(ii) ceases to be a share holder of the society he represents or of the Bank. A representative of a society which is defaulter continuously for a period of three months.”

13. It is not in dispute that the powers which have been exercised while passing the initial impugned order dated 12.01.2018 (Annexure P-2) by the Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, for violation of Rule 26 of 1963 Rules, is under Section 27 of 1961 Act read with Rule 26 of 1963 Rules and Bye-law 34 (ii) of the Bank.

14. Appeals have been provided under various sub-sections of Section 68 of the 1961 Act, but relevant provision would be Section 68 (1) (e), (2) and (3) of the 1961 Act, which read as under:-

“**68. Appeals – (1)** An appeal shall lie under this section against-

(a) to (d) XXXX XXXX XXXX

(e) an order made by the Registrar removing or suspending a committee or a member thereof under

Section 27.

(f) to (l) XXXX XXXX XXXX

(2) An appeal against any decision or order under sub-section (1) shall be made within sixty days from the date of decision or order,

(a) if the decision or order was made by the Assistant Registrar to the Deputy Registrars;

(b) if the decision or order was made by the Deputy Registrar to the Registrar or such Additional Registrar or Joint Registrar as may be authorised by the Registrar in this behalf;

(c) if the decision or order was made by the Joint Registrar or Additional Registrar, to the Registrar.

(d) if the decision or order was made by the Registrar, to the Government.

(e) If the decision or order was made by any other person, to the Registrar or such Additional Registrar or Joint Registrar or Deputy Registrar or Assistant Registrar as may be authorised by the Registrar in this behalf.

(3) No appeal shall lie under this section from any decision or order made by any authority in appeal.”

15. Keeping in view Section 68 (1) (e), it cannot be disputed that an appeal would lie against the order passed under Section 27 of the 1961 Act.

16. The question which would require adjudication in this case

would be “whether appeal would lie to the Registrar, where an order has been passed by a person appointed under Section 3 (2), exercising the powers of the Registrar of Cooperative Societies, as conferred by Government notification issued under Section 3 (3) including the Joint Registrar or Additional Registrar Cooperative Societies, in the light of Sub-Section (2) of Section 68 read with Sub-section (5) of Section 3 of 1961 Act?”

17. Section 3 of 1961 Act, reads as follows:-

“3. Registrar and other officers and their powers :-

(1) The Government may appoint a person to be the Registrar of Co-operative Societies for the State.

(2) To assist the Registrar in his functions under this Act the Government may appoint such number of Additional Registrars, Joint Registrars, Deputy Registrars, Assistant Registrars and other persons with such designations as it may think fit.

(3) The Government may, by general or special order, confer on any person appointed under sub-section (2), all or any of the powers of the Registrar under this Act.

(4) Every person appointed under sub-section (2) shall exercise his powers subject to the general superintendence and control of the Registrar.

(5) Notwithstanding anything contained in this Act, where any power of the Registrar is exercised by any

person by virtue of the order issued by the Government under sub-section (3), the order passed or decision made by such person shall, for the purpose of appeal, be deemed to be the order or decision of that person and not of the Registrar.”

18. A perusal of Sub-section (1) of Section 3 would show that the Government would appoint a person to be the Registrar of the Cooperative Societies for the State and to assist him in the functions under the 1961 Act, appoint various persons on the designations as specified in Sub-section (2) or create further designations as well. Meaning thereby, a person may be appointed by notification on the designations already mentioned or can be designated with other nomenclature also. So the appointment is primarily that of a person. This is especially so when read in conjunction with the following Sub-sections.

Sub-section (3) empowers the Government to confer on any person, by general or special order, who have been appointed under Sub-section (2), all or any of the powers of the Registrar under the 1961 Act, but under the general superintendence and control of the Registrar as provided under Sub-section (4). Sub-section (5) says that the order which has been passed by a person by virtue of an order issued by the Government under Sub-section (3) conferring upon him, by general or special order, the powers of the Registrar under the 1961 Act shall be the order or decision of that person and not of the Registrar for the limited purpose of appeal. This is notwithstanding anything contained in the 1961 Act.

19. The above, leaves no scope for doubt that even if the 1961 Act provides for exercise of a power by a particular authority, if notification is issued by the Government conferring a specified power or function of the Registrar on a particular person under Section 3, that will have precedence and would govern the field for the limited purpose of appeal as it would not be treated as an order or decision of the Registrar.

20. It is not in dispute that notification issued by the Government of Punjab in exercise of the powers conferred by Sub-section (3) of Section 3 of the 1961 Act, conferring such powers of the Registrar on the officers of the Cooperative Department as are mentioned against each, which holds the field, is dated 21.03.1978 (Annexure P-9).

This notification dated 21.03.1978 (Annexure P-9) reads as follows:-

“Punjab Government Cooperation Department

NOTIFICATION

No.1669-C-V-78/6450

the 21 March, 1978

In supersession of Punjab Govt. Cooperation Department Notification No.S.O.71?P.A.25/61/5.3/69 dated 19th November 1969 and in exercise of the powers conferred by Sub-section (3) of Section 3 of the Punjab Cooperative Societies Act, 1961 (Punjab Act 25 of 1961) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to confer on the following officers of the Cooperative Department such powers of the Registrar as are mentioned against each:-

CWP-10060-2018 (O&M) & connected cases

1. All Additional Registrars, Cooperative Societies, Punjab	All the powers of the Registrar exercisable under the aforesaid Act and the Rules framed thereunder.
2. All Joint Registrars, Cooperative Societies, Punjab.	All the powers of the Registrar exercisable under the aforesaid Act and the Rules framed thereunder.
3. All Deputy Registrars, Cooperative Societies, Punjab.	All the powers of the Registrar exercisable under the aforesaid Act and the Rules framed thereunder except the powers exercisable Under Section 26 (1D) and Section 27 in respect of Cooperative Consumer Stores and Central Cooperative Banks.
4. All Assistant Registrars, Cooperative Societies, Punjab.	Powers of the Registrar exercisable under Section 8, 9, 10, 11, 13, 25, 26 (iA), 28, 42, 48, 49, 50, 51, 52, 55, 56, 57, 58, 59, 61, Clause (a) of Section 63, and the proviso to clause (c) of Section 63 and Sections 65, 66, 67, 73, 82 (2) and 83 of the aforesaid Act and also powers of the Registrar under Section 26 (1D) and Section 27 so far as they relate to Primary Societies as defined in Section 15-A of the aforesaid Act, and Rules 8, 10, 12, 15, 27, 38, 39, 43(I), 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 65, 67, 68, 69 and 71, and Rules 1 (b), 1 (d), 4 and 10 of part I of Appendix 'C' to the Punjab Cooperative Societies Act 1963.

K.S.Bains
Development Commissioner and Secretary
to Govt. Punjab, Cooperation Department.”

As per the above notification, all the powers of Registrar exercisable under the 1961 Act and the rules framed thereunder have been conferred upon all Additional Registrars Cooperative Societies, Punjab and all Joint Registrars Cooperative Societies, Punjab.

21. As already held above, an appeal would lie against an order passed under Section 27 as per Sub-section (1) clause (e) of Section 68 of the 1961 Act. Sub-section (2) of Section 68 deals with the period of limitation and the authority before which the appeal would lie.

22. In the present case, since the order has been passed by the Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, Clause (c) of Sub-section (2) of Section 68 would be applicable, where it has been provided that if a decision or order is made by the Joint Registrar or Additional Registrar, appeal would lie to the Registrar. Thus, it is apparent that the order which has been passed by the Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, dated 12.01.2018 (Annexure P-2) is appealable before the Registrar Cooperative Societies, Punjab and therefore, impugned order holding the appeals not maintainable as the Joint Registrar Cooperative Societies, Jalandhar Division, Jalandhar, is a delegatee of the Registrar, is not sustainable.

23. The question of exercise of power as a delegatee of the Registrar would arise only when some office order would have been passed by the Registrar Cooperative Societies, delegating his powers of the Registrar. The present case is a good example, where the appeals of the petitioners filed to the Registrar, have been marked by him to the Additional Registrar for deciding the same, against the order dated 12.01.2018 (Annexure P-2) passed by the Joint Registrar Cooperative Societies exercising the powers of the Registrar as per the notification dated 21.03.1978 (Annexure P-9) issued by the Government of Punjab, in exercise

of the powers conferred under Section 3 Sub-section (3) of the 1961 Act. It could not be disputed by the counsel for the respondents that but for the above mentioned notification, order dated 12.01.2018 (Annexure P-2) could not have been passed by the Joint Registrar. The order, which will be passed by the Additional Registrar, on such marking of the case by the Registrar, would neither be appealable before the Registrar nor can the revisional powers be exercised by the Registrar as the Additional Registrar is acting as his delegatee.

24. In case the contention of the learned counsel for the respondent – State is accepted that vide notification dated 21.03.1978 (Annexure P-9), authorities conferred with the powers under the 1961 Act of the Registrar would be the delegates of the Registrar, this would render the provisions of Sub-section (2) of Section 68 of the 1961 Act inoperative, redundant, superfluous and surplus except for Clause (d) of Sub-section (2). This can never be the intent of the Legislature nor can the Courts overlook the spirit and purpose of the Legislature, which had conferred the power of appeal not only on the Government but the Registrar as well and similarly, the power of revision stands bestowed upon both these authorities as per Section 69 of 1961 Act.

25. Accepting the stand of respondents would mean that all appeals would lie to the Government as all the orders passed by the authorities appointed under Sub-section (2) of Section 3, who have been conferred with the powers as per the notification dated 21.03.1978 (Annexure P-9) issued under Sub-section (3) of Section 3 of 1961 Act, would be treated as orders

passed by the Registrar. This would leave the aggrieved with the remedy of appeal only before the Government, which is not only against the specific language but the very spirit of Section 68 of 1961 Act, especially when seen in the light of Sub-section (5) of Section 3 of the 1961 Act. Sub-section (5) of Section 3 of 1961 Act makes it amply clear that the Legislature intended not to treat the orders which have been passed by the persons, who have been conferred with the powers of the Registrar as per the notification issued by the Government of Punjab under Sub-section (3) of Section 3, to be that of the Registrar, as it specifically says so. This, in my considered view, was keeping in view the provisions as contained under Sub-section (2) of Section 68 and Section 69 of the 1961 Act.

26. In a statute or any enactment, the enacting provision therein is required to be and must be construed as to make it effective and operative, for which purpose, the Courts should strongly lean against a construction which reduces the statute to a futility as a statute is designed to be workable. The words in the statute cannot be so construed as being inapposite surplusage, if they can have appropriate application in circumstances conceivably within the contemplation of the statute as held by the Hon'ble Supreme Court in Aswini Kumar Ghose Vs. Arabinda Bose AIR 1952 SC 369. None of the words used in the statute by the Legislature can be deemed to be waste or said to be in vain. While considering the statutory provisions, inconsistency and repugnancy is to be avoided and resort to harmonious construction should be attempted by the Court, as each of the provisions has to be given effect. The Act is presumed to be not envisaging a situation of

conflict and therefore, has to be read in consonance with each other ironing and rubbing out the edges so that all of them read in consonance with the object of the Act. This should be the endeavour of the Court and wherever possible, such recourse should be resorted to.

27. Sub-section 3 of Section 68 of the 1961 Act states that “No appeal shall lie under this section from any decision or order made by any authority in appeal”. This makes it clear that any appeal against the order passed by the Appellate Authority would not be maintainable i.e. second appeal is barred in this provision.

28. Section 69 provides the revisional powers which reads as follows:-

“SECTION - 69

69. Revision. The State Government and the Registrar may, suo moto or on the application of a party to a reference, call for and examine the record of any proceedings in which no appeal under section 68 lies to the Government or the Registrar, as the case may be, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed and if in any case it appears to the Government or the Registrar that any such decision or order should be modified, annulled or revised, the Government or the Registrar, as the case may be, may, after giving persons affected thereby an opportunity of being heard, pass such

order thereon as it or he may deem fit.”

In *Brij Lal's* case (*supra*), reliance on which has been placed by the learned counsel for the respondents, this Court dealt with the powers of revision and has held that the powers of revision were available to the State Government as well as the Registrar. In para 14 of the said judgment, it has been held as follows:-

“14. Section 68 (1) gives the various orders against which an appeal is competent. Sub-section (2) of this section mentions the authorities before whom the appeal will lie. Sub-section (3) lays down that there will be no second appeal from any decision taken or order made on appeal by the authorities referred to in sub-section (2). Section 69 deals with the revisional powers of the State Government and the Registrar. They can be exercised by both these authorities either *suo motu* or on the application of a party to a reference. According to this section, before the revisional powers are made use of, either by the State Government or the Registrar, the first question that will be determined will be if an appeal lies under Section 68 against that particular decision or order. If the reply be in the affirmative, then the person, who is desirous of invoking the revisional powers, will be directed to go and file an appeal against that decision or order to the authorities specified in section 68(2) of the

Act. If no such appeal is competent, then the Registrar or the State Government will exercise their revisional powers. If on appeal the decision has been taken or the order has been passed by the Registrar or his delegate, then the revision will lie to the State Government. If, on the other hand, the order has been made by any of the authorities subordinate to the Registrar, then in that case the Registrar will have the revisional powers. This is the plain meaning of Section 69 of the Act.”

29. A perusal of the above would show that Section 68 not only provides as to when an appeal would be maintainable against a decision or order passed by a particular specified authority but also as to which authority. Sub-section (3) of Section 3 of the 1961 Act empowers the State Government to issue notification to confer the powers of the Registrar on the persons/officers of the Cooperative Department and as per Sub-section (5), such exercise of powers would be of that person and it would not be an order by the Registrar for the purpose of appeal.

30. Meaning thereby, if an order has independently been passed by a person/officer of the Cooperative Department exercising the powers which have been conferred under the notification issued by the Government under Sub-section 3 of Section 3 of the 1961 Act, appeal would lie against orders as specified under Sub-section (1) of Section 68 and to such authority as specified under Sub-section (2) of this Section. If, however, an office order is issued by the Registrar, delegating his powers to the officer, who

has been appointed as the person concerned to adjudicate a particular dispute, then the order so passed by the officer, would be termed to be that of the delegatee of the Registrar, against which the appeal would not lie to a Registrar. This is the intention of the Legislature which is discernible from the language and the words used in the enactment leading to the fulfillment of the subjective and objective purpose of the statute.

The above would be the answer to the question as posed in para 16 supra.

31. As regards the judgment which has been relied upon by the learned counsel for the respondents in case of *Lakha Singh* (supra), the issue involved was relatable to a person with regard to cessation of a member of society under Rule 26 of 1963 Rules. The argument which was raised that as per Rule 26, no orders are required to be passed by the Competent Authority in case of cessation of a member which was not accepted by the Court. What was held by the Division Bench of this Court was that the Registrar could pass the order of removal himself or as per the notification issued by the Governor of Punjab, exercising the powers under Sub-section (3) of Section 3 of 1961 Act. At the relevant time, the order, which had been passed by the authority, had not been conferred the powers under Section 27 of 1961 Act, which is a finding recorded by the Court and thus would not apply since here the position is different.

32. As regards *Kot Shamir Cooperative Agricultural Service Society Ltd.*'s case (supra), the Court was dealing with the power of revision, which was being exercised by the Registrar against the order passed by the

Deputy Registrar, who had exercised the powers of Registrar under Section 63 of the 1961 Act. The issue of appeal was not being dealt with by the Division Bench of this Court in the said case. It appears that the notification as issued under Sub-section (3) of Section 3 of 1961 Act, has neither been referred to nor has it been brought to the notice of the Court as also Section 68 of 1961 Act. This judgment would, thus, not apply to this case.

33. As regards *Brij Lal's* case (supra) is concerned, the notification dated 19.11.1969 issued by the Government of Punjab under Sub-section (3) of Section 3 was under consideration, under which, the powers of the Registrar under Section 27 were not conferred upon any other authority. This judgment had been rendered prior to issuance of notification dated 21.03.1978 (Annexure P-9), which superseded notification dated 19.11.1969. The prevalent notification i.e. 21.03.1978 confers all the powers of the Registrar exercisable under the 1961 Act and the Rules framed thereunder on all Additional Registrars and all Joint Registrars Cooperative Societies. That apart, the Division Bench of this Court in para 11 of the judgment had specifically left open the interpretation of Clauses (a), (b), (c) and (d) of Sub-section (2) of Section 68 of 1961 Act to be appropriately dealt with in appropriate case. The said judgment would not be of any help to the stand taken by the respondents in these writ petitions.

34. In view of the above, all the four writ petitions are allowed and impugned order dated 22.03.2018 (Annexure P-1) passed by the Additional Registrar (I) Cooperative Societies, Punjab, is hereby set aside remanding the appeals preferred by the petitioners to the Registrar Cooperative

CWP-10060-2018 (O&M) & connected cases

Societies, Punjab, to decide the same in accordance with law. Parties are directed to appear before the Registrar Cooperative Societies, Punjab, on 19.08.2019.

35. For the sake of clarification, it is pointed out that the merits of the case have not been touched by this Court and any reference in this regard is merely with an intent to put-forth the context, in which, the case has been filed and dealt with by this Court and any passing observations made on merits should not be treated as opinion expressed by this Court either way as the matter has been remanded for decision of the appeals on merits.

CM-4594-CWP-2019

In the light of the disposal of the main writ petition, no order is required to be passed in the present application as the same has been rendered infructuous.

Disposed of as such.

Copy of this order be sent to the Financial Commissioner (Cooperation), Punjab and the Registrar Cooperative Societies, Punjab, for information and compliance forthwith.

29th July, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No