

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2481 OF 2020**

Smt. Sukanti Patel, W/o Shri Kheer Sai Patel, aged about 40 years, R/o Village Bhaskarpali, District Mahasamund (CG)

... **Petitioner(s)**

versus

1. State of Chhattisgarh, through the Secretary, Department of Cooperative, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (CG)
2. Registrar, Cooperative Societies, Chhattisgarh, Indrawati Bhawan, New Raipur, Atal Nagar, Raipur, District Raipur (CG)
3. Chhattisgarh State Cooperative Dairy Federation, through its Managing Director, Urla, Post Office Charoda, BMY, District Durg (CG) ... **Respondent(s)**

WPC NO. 2485 OF 2020

Arun Kumar Dhruw, S/o ShriVishnu Ram Dhruw, aged about 40 years, R/o Village and Post Khatta, Tahsil Patewa, District Mahasamund (CG)

... **Petitioner(s)**

versus

1. State of Chhattisgarh, through the Secretary, Department of Cooperative, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (CG)
2. Registrar, Cooperative Societies, Chhattisgarh, Indrawati Bhawan, New Raipur, Atal Nagar, Raipur, District Raipur (CG)
3. Chhattisgarh State Cooperative Dairy Federation, through its Managing Director, Urla, Post Office Charoda, BMY, District Durg (CG) ... **Respondent(s)**

For Petitioner	:	Mr. Vaibhav P. Shukla, Advocate.
For Respondent 1 & 2	:	Mr. Sudeep Verma, Dy. A.G.
For Respondent 3	:	Mr. K. Rohan, Advocate.

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

29.10.2020

1. Since common facts and issues are involved in these two writ petitions, they are being disposed of by this common order.
2. Challenge in these writ petitions is to the order dated 10.8.2020 (Annexure P-1) passed by Respondent No.2 disqualifying the Petitioners from the post of Directors of Respondent No.3 - Federation.
3. At this juncture, this Court is of the opinion that the Petitioners have an alternative efficacious remedy under Section 78 of the Chhattisgarh Cooperative Societies Act, 1960 (in short, "the Act of 1960") by preferring an Appeal before the Tribunal established under the Act of 1960.

4. Learned Counsel for Petitioners submits that there are certain basic flaws on the part of the Respondents while passing the impugned order and the very provision of the Act of 1960 itself has not been followed or complied with before passing the impugned order and that is the reason why these writ petitions have been filed.

5. This Court is of the opinion that these aspects also are one which could be duly considered by the Tribunal established under the Act of 1960 and which has been established particularly for redressal of such disputes in Cooperative Societies.

6. At this juncture, learned Counsel for Petitioners also submits that because of the effect of COVID-19 pandemic the Petitioners could not approach the Tribunal timely and in the process they have also lost considerable time, and therefore, the period in between may be condoned enabling the Petitioners to prefer an Appeal within some stipulated time to be granted by this Court.

7. Considering the entire facts and circumstances of the case, particularly taking note of the nature of dispute and also considering the effect of COVID-19 pandemic in the State, it would be in the interest of justice if the Petitioners are directed to prefer an Appeal against the impugned order before the Tribunal. Subject to Petitioners preferring Appeal within a period of three weeks from the date of receipt of copy of this order along with an application for condonation of delay, the Tribunal shall consider the application for condonation of delay liberally and shall entertain the Appeal on its merits and decide the same at the earliest.

8. Subject to furnishing the photocopy of the original order, the certified copy of the order may be returned back to the Petitioners.

9. Both the Writ Petitions accordingly stand disposed of.

**Sd/-
(P. Sam Koshy)
Judge**