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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 404 of 2020**

{Arising out of Order dated 07.10.2020 passed in Writ Petition (C) No. 2290 of 2020 by the learned Single Judge. }

Pritpal Belchandan S/o Late Budhar Lal, aged about 58 Years Ex-President of Zila Sahakari Kendriya Bank Maryadit, Durg, R/o Village and Post Tirga, Tahsil and District Durg, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, through Secretary, Department of Cooperative Affairs, Atal Nagar, Mahanadi Bhavan, Mantralaya Naya Raipur, District Raipur, Chhattisgarh.
2. Secretary, State Cooperative Election Commission, Mahila Thana Chowk, Chhotapra, Raipur, District Raipur, Chhattisgarh.
3. Registrar, Cooperative Societies, Chhattisgarh Indrawati Bhavan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
4. Zila Sahakari Kendriya Bank Maryadit, Durg, through its Chief Executive Officer, Office at G.E. Road, Durg, District Durg, Chhattisgarh.

---- Respondents

For Appellant/Petitioner	:	Dr. Kumaresh Tiwari, Advocate.
For Respondent No. 1 & 3/State	:	Shri Siddharth Dubey, Deputy Government Advocate.
For Respondent No.2/Commission	:	Shri Malay Shrivastava, Advocate on behalf of Shri Rajeev Shrivastava, Advocate.
For Respondent No. 4/Bank	:	Shri Tarun Dansena, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per P.R. Ramachandra Menon, Chief Justice****09.12.2020**

1. Prayer in this appeal is to modify the verdict dated 07.10.2020 passed by the learned Single Judge in Writ Petition (C) No. 2290 of 2020 by framing a time limit for conducting the election to the 4th Respondent-Bank.
2. The Appellant is the former President of the 4th Respondent-Bank. The election to the Board of Directors was lastly held on 08.06.2015 and the Appellant was elected as the president of the Bank on 12.06.2015. The tenure of 5 years was to be over by 11.06.2020 and in the said circumstance,

a request was made on 07.12.2019 to the competent authorities for conducting the election before expiry of the tenure. This was replied by the 2nd Respondent on 08.01.2020 asking the 4th Respondent-Bank to send the membership/voters list and a demand draft of Rs. 5000/- for election process which was satisfied on 15.01.2020.

3. Despite the fact that the election has to be conducted before the expiry of the tenure in terms of Section 49(8) of the Chhattisgarh Co-operative Societies Act, 1960 read with Section 50(B)(8)(c), no proper steps were pursued to conduct the election which made the Petitioner to approach this Court by filing Writ Petition (C) No. 265 of 2020.

4. When the matter came up for consideration, it was submitted on behalf of the Respondents that the State Co-operative Election Commission had already passed an order on 18.05.2020 staying the entire election to the Co-operative Societies till the lock-down period on account of Covid-19 pandemic was over. This was recorded and the writ petition was disposed of as per Annexure A/2 judgment dated 26.05.2020 observing that the State would take prompt steps immediately after the lock-down, to conduct the election.

5. By the passage of time, the lock-down was lifted and the delay in conducting the election made the Petitioner to approach this Court again by filing Writ Petition (C) No. 2290 of 2020. It was conceded by the learned counsel for the 2nd Respondent that the lock-down period was over but the District Durg and the District Raipur, where the office of the Election Commission was situated were also severely hit by Covid-19 pandemic even then and hence, there were some practical difficulties. This made the learned Single Judge to observe that all endeavours shall be made to conduct the election at the earliest, in accordance with law and the writ petition was disposed of vide Annexure A/1 order dated 07.10.2020.

6. The grievance of the Appellant is that since no time limit has been fixed by the learned Single Judge, the matter is being protracted further. The learned counsel points out that there is only a total number of 300 to 350 voters and that the lockdown has been lifted followed by unlock-4 unlock-5 norms etc. It is further pointed out that the by-election had already been scheduled in respect of the relevant constituencies to the Legislative Assembly and this being the position, there cannot be any further difficulty in conducting the election to the Board of Directors of the 4th Respondent Bank which is having the area of operation only within the three Districts i.e. Durg, Balod and Bemetara, particularly since the 'Covid-19 graph' has come down and is well within the control in all respects.

7. When the matter was taken up for consideration, we wanted to ascertain the views of the 2nd Respondent. After getting instructions, Shri Malay Shrivastava, made submissions on behalf of Shri Rajeev Shrivastava, the learned counsel appearing for the 2nd Respondent that the matter could be disposed of granting reasonable time to complete the process.

8. After hearing both the sides including the learned counsel appearing for the State, in view of the fact that the number of voters is very limited i.e. 300-350, the entire process of election could be finalised within a period of three months. Accordingly, the 2nd Respondent is directed to complete the process of election within a further period of three months from the date of receipt of a copy of this judgment. The verdict passed by the learned Single Judge stands modified to the said limited extent.

9. The appeal stands disposed of accordingly.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE