

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.7315 of 2020
Date of Decision: 27.08.2020

Satinder Duggal and others

..... Petitioners

Versus

The Registrar General of Firms and Societies and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Bhisham Kumar, Advocate,
for the petitioners.

Mr. R.K.S. Brar, Addl. A.G. Haryana.

Mr. M.K. Dogra, Advocate,
for respondents no.4 to 10.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioners seek issuance of a writ in the nature of *certiorari* quashing the order dated 03.02.2020 (Annexure P-7), whereby respondent no.3 herein reviewed his own order dated 12.09.2020 (Annexure P-4), as also the order dated 04.05.2020 (Annexure P-14), whereby respondent no.3 further extended the “time of the illegal adhoc-committee” for another 3 months.

Upon notice of motion having been issued, thereafter on 23.07.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Though pursuant to the order dated 22.06.2020, Mr. M. K. Dogra, Advocate, appears for respondents No.4 to 10, with learned State counsel submitting that the grievance of the petitioners has actually been redressed, in as much as the *ad hoc* committee appointed vide the impugned order has been 'removed' and a retired District and Sessions Judge has been appointed as an Administrator, however, learned counsel for the petitioner seeks time to take instructions in that regard.

Adjourned to 27.08.2020.

In the meantime, a reply to the petition be filed by learned State counsel.”

Learned counsel for the petitioners today submits that though the 'ad hoc committee' has been removed, however their grievance is against the order appointing the ad hoc committee itself, with their grievance therefore still remaining qua appointment of the learned retired District & Sessions Judge as an Administrator in place of the ad hoc committee, because the impugned order (copy Annexure P-7) is void *ab initio* being without jurisdiction inasmuch as the power of review can only be exercised under Section 79 of the Haryana Registration and Regulation of Societies Act, 2012 within a period of 90 days of the original order having been passed, whereas the impugned order was passed well beyond that period.

Be that as it may, Mr. Brar, learned Addl. AG, Haryana, has pointed out from the reply filed by the respondents, that the petitioners are already in appeal against the impugned orders before the State Registrar, and therefore they cannot avail two remedies at the same time.

To counter the aforesaid, learned counsel for the petitioners submits that this petition has been filed only because the COVID-19 pandemic.

Having considered the matter, obviously the COVID-19 situation cannot be used as an excuse for every ill and consequently, the petition is disposed of without making any comment on the merits of the impugned orders, by directing the appellate authority to decide the appeals filed by the petitioners at the earliest possible, but with, in the meanwhile, the operation of the impugned orders to remain stayed till the decision of such appeals.

August 27, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No