

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1191 of 2021

B.S.P. Ancillary Industries Association Bhilai, Through Its President
Arvind Singh Khurana, Bhilai Engineering Works, Industrial Area,
Bhilai, District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Firms And Society, Mantralaya, Nava Raipur, Atal Nagar, Raipur Chhattisgarh
2. Bhilai Steel Plant, Through General Manager, Ispat Bhawan Bhilai Chhattisgarh
3. Registrar, Firms And Society, Indrawati Bhawan, Block- 1, 3rd Floor, Atal Nagar, Nava Raipur, Raipur, Chhattisgarh
4. Collector, District Durg Chhattisgarh
5. Sub Divisional Officer (Revenue) Durg, District Durg Chhattisgarh

---- Respondents

For Petitioner : Mrs. Renu Kochar, Advocate

For State : Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.02.2021

Heard

1. The instant petition has been filed on behalf of the BSP Industries Association.
2. Learned counsel for the petitioner submits that by order dated 04.02.2021 the office of the S.D.O. who was appointed as officer has decided to held an election on 26.02.2021. Annexure P-1 would show that the election has already been declared.
3. Learned counsel for the petitioner submits that during the period, the election are being held on the basis of the members who are existing till 2011, however till date as many as more than 140 members have been enrolled, therefore, their voting right cannot be taken away. Counsel submits that an application was filed with the Registrar under Section 32 of the Chhattisgarh Society Registrikaran Adhiniyam, 1973

(for short “the Adhiniyam, 1973”) but the said application has not been entertained. She would submit that if at all the election are held it may be directed to be held on the basis of the existing members of the association.

4. Per contra, learned State counsel would submit that the order dated 09.09.2020 has been passed which is placed on record and would submit that the Registrar, Firms & Societies has found that after 09.11.2012 no election was held and no valid executive committee exists, as such, on the basis of the names of members which were available till 2011-12, the election has been directed to be decided. This order has not been placed and there is a concealment. She would submit on the basis of such order, the S.D.O. has been appointed as Administrative Officer to conduct the election and the petitioner are well aware of the order dated 09.09.2020, as such, no relief can be granted at the fag end.
5. The submission of the petitioner cannot be appreciated for the reason that no satisfactory facts are placed as to whether compliance of Section 32 of the Adhiniyam, 1973 was made and who are the members of the governing body, whose names were sent to the Registrar in compliance of Section 27 of the Adhiniyam, 1973 is also not clear. Therefore, it is completely vague.
6. Perusal of the order of the Registrar dated 09.09.2020 would show that the Registrar after inspection of the record found that after 09.11.2012 no election were held and there is no valid governing body was existing. The order further purports that several particulars were given to the petitioner society and its President Arvind Singh Khurana who has preferred this petition but no satisfactory answer was given. The order further records that there has been deliberate omission of compliance of Section 27 & 28 of the Adhiniyam. Consequently, on the

basis of the list which are available in the year 2011, the orders were passed to conduct the election within 45 days from 09.09.2020, in compliance thereto the election now are being conducted. No appeal has been preferred under Section 40 of the Adhinyam to the State Government against the order of the Registrar. In view of this, no relief can be granted to the petitioner. The petition is devoid of merit and according is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Aks