

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3478 of 2021

1. Sushil Kumar Agrawal S/o Ramdas Agrawal Aged About 51 Years Vice President (State) Chhattisgarh Chamber Of Commerce And Industries, R/o Ward No. 08, Chandni Chowk, Raigarh Chhattisgarh
2. Shakti Agrawal S/o Pramod Kumar Agrawal Aged About 32 Years General Secretary, Chhattisgarh Chamber Of Commerce And Industries, R/o House No. 127/01, Ward No. 19, Ravishankar Shukl Market, Infront Of Townhall, Raigarh Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Commerce And Industries, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur Chhattisgarh
2. Registrar Firms And Societies Chhattisgarh Indrawati Bhawan, Block-1, Third Floor, Atal Nagar, Raipur District Raipur Chhattisgarh
3. Chhattisgarh Chamber Of Commerce Through Its President Shri Amar Parwani, Ch. Devilal Vyapar Udyog Bhawan, 2nd Floor, Bombay Market, Raipur Chhattisgarh
4. Amar Parwani President, Ch. Devilal Vyapar Udyog Bhawan, 2nd Floor, Bombay Market, Raipur Chhattisgarh

---- Respondents

For Petitioners : Shri Varun Shrama, Advocate

For Respondent/ State : Shri Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.08.2021

Heard

1. Learned counsel for the petitioners would submit that the respondents No. 3 & 4 are registered under the Society Registrikaran Adhiniyam, 1973 (for short

'Adiniyam 1973'). The petitioners who are also the elected members have filed an application before the Registrar alleging certain complaints but cognizance of the same has not been taken of, therefore, he prays that the Registrar may be directed to take cognizance of the complaint made by the petitioners.

2. Perused the documents.
3. Section 32 of the Adniniyam, 1973 purports that the Registrar may, on his own motion or on an application made under sub-section (2) either by himself or by a person authorised by him, hold an enquiry into the constitution, working and financial conditions of a society. Further Sub Section 2 of Section 32 of the Adhiniyam, 1973 requires that majority of the members of the governing body of the society or not less than one-third of the total number of members of the society may file the application.
4. Certainly in this case, there is no compliance of Section 32 (2) of the Adhiniyam, 1973, since the majority is not with the petitioners, this Court cannot propel the Registrar to consider the application made by the members and to comply with Section 32 to use his own motion.
5. In view of this, the petition sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti