

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4297 of 2021

1. Vidyut Karmachari Thrift And Sakh Sahakari Sanstha Maryadit, Bilaspur, Registration No. 72, Through Its President Naresh Kumar Pandey (N.K. Pandey) S/o Late B.P. Pandey, Kashyap Colony, Gali No.3, Bilaspur, Tahsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Cooperative Affairs, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. State Cooperative Election Commission, Raipur (C.G.) Through Its Commissioner, Mahila Thana Chowk, Chhotapara, Raipur, District Raipur Chhattisgarh.
3. Joint Registrar, Cooperative Societies Bilaspur Division, Infront Of Collectorate Office, Old Composite Building, District Bilaspur Chhattisgarh
4. Deputy Registrar, Cooperative Societies Bilaspur, Infront Of Collectorate Office, Old Composite Building, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	: Mr. Manish Upadhyay, Advocate.
For State	: Mr. Pawan Kesharwani, PL.
For respondent No.2	: Mr. Malay Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/10/2021

Heard.

1. This petition has been brought praying for issuance of specific direction to the respondents specifically respondent No.2 to conduct election process in the petitioner society.

2. It is submitted that the terms of the Directors of the petitioner society is going to be completed in the month of November. The petitioner has by letter dated 16.7.2021 to respondent No.2 & 3 informed about the completion of the terms of the Directors and request was made for conducting election as early as possible. The communication made has not been responded so far, therefore, this petition has been filed praying for issuance of direction.
3. Learned counsel for respondent No.2 submits that because of the Covid Pandemic situation, the restrictions were imposed and effective in the last year and until some time before the present date. The respondent No.2 has made a communication dated 7.10.2021 to Collectors of all the District of Chhattisgarh making a request to give relief from the Covid protocol and for conducting elections in the different societies, which is unanswered so far. However, if any direction is issued by the Court, respondent No.2 is ready to comply with the same.
4. Considered on the submissions.
5. As there is a specific direction under the provision of Section 49(8) of Co-operative Societies Act, 1960, regarding holding of elections prior to the expiry of the terms of the Directors concerned, therefore, there is a requirement for issuance of such direction in this case, hence, the petition is disposed of at motion stage. The respondent No.2 is directed to initiate the election proceeding with respect to the petitioner society as early as possible and conclude the same preferably within a period of 90 days from today.
6. Accordingly, the petition is disposed of .

Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha