

**121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-1555-2021

Date of decision: 25.01.2021

G.L. Gulati

.....Petitioner.

vs.

UT Administration and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Ravi Sharma, Advocate, for the petitioner.

Mr. Aman Pal, Advocate, for the respondents.

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Sanjay Kumar, J. (ORAL)

The petitioner assails the order dated 11.12.2020 passed by the Registrar, Cooperative Societies, U.T., Chandigarh, relegating him to the remedy of arbitration under Sections 55 and 56 of the Punjab Cooperative Societies Act, 1961 or any other legal remedy. Pertinent to note, the aforesaid order dated 11.12.2020 was passed by the Registrar pursuant to the directions of this Court in its decision dated 17.09.2020 in ***CWP-14733-2020***, titled ***'Surinder Singh and others versus U.T., Administration and others'***. Perusal of the said order reflects that the petitioners therein had informed this Court that they had submitted complaint dated 30.06.2020 to the Registrar in relation to alleged irregularities committed by the Managing Committee of respondent No. 5 Society which were prejudicial to the Society and its members.

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Thereupon, this Court opined that the Registrar should look into the grievances of the petitioners therein, as contained in the said complaint. The writ petition was disposed of directing the Registrar to do so and if he found that some action was warranted, the needful had to be done within a time frame.

This being the factual background, the impugned order does not reflect any finding having been recorded by the Registrar of Cooperative Societies, U.T., Chandigarh. The Registrar merely reproduced the grievances in the complaint and the reply submitted by the Managing Committee of Society and baldly concluded that if the petitioners were not satisfied with the comments/reply, they were at liberty to take recourse to arbitration or any other legal remedy. This was not the exercise that was to be undertaken by the Registrar in terms of the earlier order of this Court. The order does not reflect any application of mind by the Registrar, much less a finding that any action was warranted in the matter or otherwise.

Mr. Aman Pal, learned counsel appearing for the U.T. Administration, fairly concedes this aspect and states that though the Registrar had looked into the matter, the order does not reflect any opinion having been expressed on the merits of the case.

In these circumstances, the order under challenge requires to be set aside on this short ground and the Registrar must necessarily be given an opportunity to undertake the exercise afresh in terms of the earlier directions of this Court.

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It would be open to the Registrar to take note of the petitioner's affidavit dated 21.10.2020 and also give an opportunity of personal hearing to all the parties concerned before taking a decision in the matter. The exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

25.01.2021

preeti	
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no