

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

110+274

**CM-18870-CWP-2022 IN/AND
CWP-15116-2022 (O&M)
Date of Decision: 30.11.2022**

MAHESH KUMAR GUPTA

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Vivek Chauhan, AAG, Haryana.

Mr. S.K. Verma, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

CM-18870-CWP-2022

This is an application for placing on record the Annexures P-11 to P-14.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

The Annexures P-11 to P-14 are ordered to be taken on record. Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

CWP-15116-2022

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 for seeking issuance of writ in the nature of Mandamus directing the respondent No.2- Registrar General of Firms and

Societies, Haryana to decide the appeal No.443 of 2021 dated 24.09.2021 titled as 'Mahesh Kumar Gupta Vs. State Registrar of Societies and others' in a time bound manner as the same is being adjourned repeated on administrative grounds.

Learned counsel for the petitioner contends that the petitioner is a life time member of respondent No.5, which is duly registered with respondent No.4. He contends that the petitioner had earlier moved an appeal bearing No.788 of 2019 under Section 79 of the Act of 2012 before the State Registrar, Firms and Societies, Haryana for restraining the meeting to be held on 03.12.2019. Vide order 02.12.2019 passed in appeal No.788 of 2019, the respondent No.4 was directed to convene general body meeting and to formulate a Collegium Scheme in the Society within 20 days and also directed the respondent No.4 to ensure that free and fair elections are held and that the entire proceedings are completed in a time bound manner. Against the aforesaid order, appeal NO.374 of 2018 was filed before the Registrar General of Firms and Societies with a prayer to stay the operation of the said order. The case was listed on 10.12.2019 and operation of the impugned was stayed by the Registrar General of Firms and Societies till the next date of hearing. The appeal No.374 of 2019 was disposed of by the Registrar General of Firms and Societies vide order dated 22.07.2021 remanding the case to the State Registrar to decide the appeal on merits after affording the opportunity of hearing to both the parties and by passing a speaking order within a period of two months. It was noticed by the Registrar General of Firms and Societies that the State Registrar had mentioned that the scheme of the Collegium was approved on 10.09. 2018, whereas as per the letter dated 22.10.2018 issued by the office of District Registrar, the scheme of Collegium has not been approved. Thus a

contrary stand was noticed before remanding the matter to be decided by the State Registrar.

The matter vis-a-vis Appeal No.788 of 2019 was finally decided by State Registrar vide order dated 24.08.2021 and he affirmed the order dated 02.02.2019. The said order was challenged by the petitioner by means of filing Appeal No.443 of 2021 dated 24.09.2021. Learned counsel for the petitioner contends that the grievance of the petitioner is restricted only to the extent of seeking a timely adjudication of the appeal before the Registrar General of Firms and Societies.

Learned State counsel states that the matter is already fixed for 13.12.2022 and that they have no objection to the directions being issued for timely adjudication of the pending appeal by the Registrar General of Firms and Societies, Haryana.

Accordingly, the present petition is disposed of with the consent of the parties and without commenting on the merits, directing the Registrar General of Firms and Societies, Haryana to decide the pending appeal No.443 of 2021 dated 24.09.2021 titled as 'Mahesh Kumar Gupta Vs. State Registrar of Societies and others' in a time bound manner and preferably on the date already fixed or within a period of two months thereafter while granting the effective opportunity of hearing to the respective parties.

Petition stands disposed of accordingly.

30.11.2022.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No