

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

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**CWP-9287-2023 (O&M).
Date of Decision: 02.05.2023.**

PARMINDER SINGH

... Petitioner

Versus

**REGISTRAR GENERAL OF SOCIETIES, HARYANA AND
OTHERS**

... Respondents

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

Present: Mr. Chander Shehar Rawat, Advocate, for
Mr. Jagjeet Beniwal, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed for seeking issuance of directions to respondent No.1 to decide the Appeal No.442/RGHS of 2021 dated 13.09.2021 (Annexure P-10) which is stated to be pending for 22.08.2023.

Learned counsel appearing on behalf of the petitioner contends that he is a resident of an apartment “Brisk Lumbini Apartment Resident Welfare Association,” Sector 109, Gurugram, Haryana, comprising of 05 blocks containing 274 flats. The Residents Welfare Association of the “Brisk Lumbini Apartment Resident Welfare Association,” was registered on 20.5.2019 under the Haryana Registration and Regulations of Societies Act, 2012. On 05.05.2020, the then president of the Residents Welfare Association submitted a request to respondent No.3 to appoint a Returning

Officer for conducting the elections to the Governing Body of “Brisk Lumbini Apartment Resident Welfare Association,” Sector 109, Gurugram, Haryana. However, the same was considered and consequently the Governing Body, itself appointed Col. Chand Jakhar (Retd.) as Returning Officer for conducting elections and an information in this regard was sent to the District Registrar vide letter dated 02.06.2020. Instead of endorsing the request sent by the Residents Welfare Association, the District Registrar, Firms and Societies, Gurugram, appointed some other person as a Returning Officer vide order dated 04.06.2022. It was alleged that the aforesaid action of the District Registrar was in violation of the provisions of the Haryana Registration and Regulations of Societies Act, 2012. The Returning Officer, so appointed, issued the election schedule dated 18.07.2020 for conducting elections of the Governing Body. Various objections were raised by the Governing Body against the alleged wrongful and illegal election schedule issued by the Returning Officer appointed by the District Registrar and he was advised to withdraw the election schedule. After the term of the Governing Body came to an end, the Governing Body purportedly resigned from the Residents Welfare Association whereupon one Mahadev Sharma was appointed as the Administrator of Residents Welfare Association “Brisk Lumbini Apartment Resident Welfare Association,” Sector 109, Gurugram, Haryana. It is contended that the Returning Officer proceeded with the election schedule as notified by it and it is alleged that the said process was being undertaken illegally, maliciously and without ensuring that all the elected members are incorporated in the Voter List. The petitioners and others members, thus, moved an application before the District Registrar and the said application

was, however, disposed of vide order dated 14.09.2020 and matter was referred to the State Registrar. The same was, however, erroneously dismissed vide order dated 26.08.20221 against which an appeal has been preferred by the petitioner and other members of the aforesaid Brisk Lumbini Apartment Society before the Registrar General, Firms and Societies, Haryana.

Learned counsel appearing on behalf the petitioner further contends that the aforesaid Appeal No.442/RGHS of 2021 dated 13.09.2021 (Annexure P-10) is pending since 2021 before the Registrar General of Firms and Societies, Haryana. He contends that the arguments in the matter were heard initially on 09.12.2021 and the matter was kept for pronouncement of the order on 06.01.2022. However, for no valid reasons, the mater could not be decided and more than 15 months have elapsed since then. He further contends that the matter is now fixed for hearing on 22.08.2023 and that he would be satisfied in case the respondent No.1- Registrar General of Firms and Societies, Haryana, is directed to decide the pending Appeal No.442/RGHS of 2021 dated 13.09.2021 (Annexure P-10) in a time bound manner.

Notice of motion.

Mr.Vivek Saini, Addl. A.G. Haryana accepts notices on behalf of respondents No.1 to 3.

In view of the order that this Court wishes to pass, there is no necessity of effecting service upon respondent No.4.

Learned State counsel contends that the matter is already fixed for hearing on 22.8.2023 and he would have no objection in case the Registrar General of Societies, Haryana, is called upon to decide the pending appeal in a time bound manner either on the date already fixed and/or on such other date as may be determined in case the matter is not heard on the said date.

Having heard the learned counsel for the respective parties, with the consent of the parties and without commenting upon the merits of the controversy, the present petition is disposed of with a direction that respondent No.1 - Registrar General of Societies, Haryana, shall decide Appeal No.442/RGHS of 2021 dated 13.00.2021 (Annexure P-10) on the next date of hearing i.e. on 22.08.2023 or within a period of six weeks thereafter, after affording an opportunity of hearing to the respective parties.

Petition stands disposed of accordingly.

May 02, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No