

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-9444-2023

Date of decision: 11.05.2023

RAJESH BHARDWAJ

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.
for respondents No. 1 to 3.

Mr. Ram Kumar Saini, Advocate
for respondent No.4 to 11.

VINOD S. BHARDWAJ, J. (Oral)

The instant writ petition has been filed for seeking issuance of directions to respondent No.2 i.e the State Registrar of Societies, Haryana, Department of Industries and Commerce to decide the pending appeal in a time bound manner.

It has been averred in the present petition that the petitioner is one of the founding member of the society namely “Corporate Tower Association” having its registered office at 229, 2nd Floor, SRS Tower, Sector 31, Near Metro Station, Mewla Maharajpur, Faridabad. The tenure of the last governing body had come to an end whereupon the erstwhile governing body decided to conduct the fresh

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elections. Accordingly, one Returning Officer was appointed on 08.05.2022 to conduct the elections. A schedule of elections was thereafter notified by the Returning Officer. The petitioner claims to have been elected as the President of Society on 12.06.2022 in the elections so held. The Returning Officer furnished this information to the office of District Registrar whereupon approval was granted on 15.09.2022 to the said election process as well as the newly elected governing body. However, certain persons, who are alleged to be not members of the society and wanted to take over the control of the Society with political support, committed certain perjuries and fraudulently prepared the resignation letters of 05 members of the governing body including resignation of the petitioner himself as well as the General Secretary, Vice President, Treasures and Executive member. Since the said signatures/resignations are forged and in a meeting purportedly presided over by the Joint Secretary alongwith certain other members, they started claiming themselves to be the new governing body and applied for their approval. The office of respondent No.3 granted approval to the new governing body mechanically and without conducting any enquiry as to how any mid-term election had been conducted and that too without appointing any returning officer or holding the said election and getting approval of the election schedule. The above said illegal approval dated 2.2.2023 (Annexure P-2) granted by the respondent No.3 was challenged by the petitioner by filing an appeal on 14.03.2023 which was registered in the office of the respondent No.2 vide diary No. 1367 and now re-numbered as appeal

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No. 1265 of 2023. It is averred that despite the above said appeal having been filed in March, 2023, the same was not being listed for hearing.

Counsel for the petitioner contends that his limited grievance before this Court at this stage is that his appeal, which has already been filed way back in March, 2023, be taken up hearing and a final decision be taken thereupon .

Sh. Ram Kumar Saini has entered appearance on behalf of respondents No.4 to 11 whereas the State Counsel has entered appearance on behalf of respondents No.1 to 3.

It has been informed by the State counsel that the appeal in question is now listed for hearing on 31.05.2023 and that the respondent No. 2 shall positively endeavour to hear the aforesaid and decide the same in a time bound manner and preferably on the same date itself . However, in the event of any unforeseen event, if the hearing is not concluded and/or held on the said date, an expeditious decision shall be taken thereupon within a period of 30 days thereafter and on hearing the respective parties.

Counsel for the private respondent has also no objection to the above.

Accordingly, with the consent of the parties and without commenting on the merits of the present case, the present petition is disposed of with a direction to respondent No.2 i.e. the State Registrar of Societies, Haryana, Department of Industries & Commerce to take cognizance of the appeal filed vide diary No. 1367 dated 14.03.2023

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(bearing Appeal No. 1265 of 2023) on the date fixed i.e. 31.05.2023 and/or within a period of 04 weeks thereafter and to pass a reasoned and speaking order after granting an opportunity of hearing to the respective parties.

The present petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MAY 11, 2023
Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No