

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-10995-2020 (O&M)
Date of Decision:-18.08.2023

Gurjant Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Gupta, Advocate, for the petitioners.

Mr. Vikas Arora, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners assail notice dated 15.6.2020 (Annexure P-1) as well as impugned order dated 02.07.2020 (Annexure P-3) passed under the provisions of Section 27(1)(A) of the Punjab Cooperative Societies Act, 1961.
2. The petitioners were Members of Wander Jattana Multipurpose Cooperative Society Ltd., Wander Jattana, District Faridkot. A notice dated 15.6.2020 (Annexure P-1) was issued to all the petitioners to show cause as to why necessary action be not taken against the executive committee on account of several irregularities as mentioned in the said notice. A period of 15 days was afforded to the petitioners to file reply. It is the case of the petitioners

that they could not submit the reply within the prescribed period of 15 days and which was submitted on 3.7.2020 (Annexure P-2) and that the delay of 3 days occurred on account of spread of pandemic Covid-19. It has further been submitted that the Assistant Registrar, however, did not consider the reply solely on the ground that the same had been submitted beyond a period of 15 days without appreciating the fact that Covid was at its peak during the said period and that as a matter of fact a Lockdown at national level had been imposed on 24.3.2020. It has thus been submitted that the impugned order deserves to be set aside.

3. On the other side, learned State counsel has submitted that the petitioners have approached this Court without availing of the statutory remedy of appeal as provided under Section 68 of the Punjab Cooperative Societies Act. The said position is not disputed by learned counsel for the petitioners who has however, submitted that this Court is fully competent to exercise its inherent powers for setting aside the impugned order.
4. Having considered the rival submissions, this Court is of the opinion that the petitioners ought to exhaust the appellate remedies before approaching this Court. As such, the instant petition is disposed off with liberty to the petitioners to file appeal under Section 68 of Punjab Cooperative Societies Act, against impugned order dated 02.07.2020 (Annexure P-3).
5. The appellate authority shall take a liberal view in the matter of limitation as it cannot be disputed that there was spread of pandemic during the period in question and that the petitioners thereafter been pursuing their remedy before this Court ever since July, 2020. The petitioners may file such appeal within

a period of 3 weeks from today, which shall be decided by appellate authority

in accordance with law.

18.08.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No