

124.

2023:PHHC:072220

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-10831-2023

Date of Decision: 18.05.2023

THE DHARTI AGRO SELF SUPPORTING MARKETING
COOPERATIVE SOCIETY LTD.

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dharam Vir Sharma, Senior Advocate with
Mr. Manbir Singh, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

1. The present writ petition has been filed by the petitioner-the Dharti Agro Self Supporting Marketing Cooperative Society Limited (for short, Society) seeking to challenge the action of the respondents in imposing conditions upon the petitioner-Society which stands registered under Section 4 of the Punjab Self-Supporting Act, 2006 (for short, the Act of 2006).

2. Learned Senior Advocate appearing on behalf of the petitioner-Society would urge that the Registrar, Cooperative Societies, Punjab would have no jurisdiction to impose any condition regarding the functioning of the Society and the goods it can deal with. In this regard, he would rely upon judgment dated 30.04.2015 (Annexure P-8) passed by the Competition Appellate Tribunal, New Delhi in appeal No.25 of 2015 and I.A. No.43 of 2015 in the matter of *The Malwa Industrial & Marketing Ferti-Chem Cooperative Society Limited Versus Competition Commission of India and others.*

3. At this stage, learned Senior Advocate would submit that since the season is on, the petitioner-Society may be permitted to file a detailed representation wherein before the Registrar it would raise a plea regarding the jurisdiction of the Registrar to impose any condition regarding the working and the functioning of the petitioner-Society registered under Section 4 the Act of 2006, keeping in view Annexure P-8, within a period of three days, and the same may be decided expeditiously.

4. Notice of motion.

5. At this stage, Mr. Vikas Arora, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondents. He would submit that in case any such representation is filed, the same would be decided by the Registrar within a period of two weeks.

6. Let adequate number of copies of the writ petition be supplied to him during the course of the day.

7. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the paper book.

8. In view of the fair statement given by the State counsel, this writ petition is being disposed of giving a liberty to the petitioner-Society to move a detailed representation to the Registrar who would consider the same and pass a speaking order, keeping in view Annexure P-8, in accordance with law, within a period of two weeks on receipt of certified copy of this order.

(JAISHREE THAKUR)
JUDGE

18.05.2023

sanjeev Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No