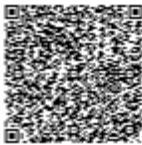


2024:PHHC:115683-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

LPA-424-2023 (O&M)

Decided on : 04.09.2024

Pankaj Gupta & others

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Puneet Jindal, Sr.Advocate
with Ms.Malvi Aggarwal, Advocate for the appellant (s).

Mr.Ankur Mittal, Addl.A.G., Haryana
Mr.Saurabh Mago, DAG, Haryana.

Mr.Ashwani Kumar Chopra, Sr.Advocate
with Mr.R.D.Gupta, Mr.Vidul Kapoor, Mr.K.K.Vinayak,
Advocates, for respondent No.6.

Mr.Sunil Chadha, Sr.Advocate
with Mr.Parvinder Singh, Mr.Akshay Chadha, Ms.Taanvi Dhull,
Advocates, for respondent No.7.

G.S. Sandhawalia, J.(Oral)

1. Consideration in the present appeal is to the judgment dated 22.02.2023 of the Learned Single Judge passed in CWP-2586-2023 along with bunch of 6 other cases. Challenge in the said writ petition was to the revised voters list dated 18.01.2023 (Annexure P-24) where the name of the appellants has been deleted and also the order dated 15.07.2022 (Annexure P-18) passed by the Registrar of Cooperative Societies, Haryana whereby the said officer had rejected the representation of the appellants dated 18.10.2021 (Annexure P-16) wherein the appellants had raised the issue of cancellation of the membership, as such from the respondent No.6 Society-The Saraswati Kunj Co-operative HBS Ltd., Wazirabad, Gurugram. Similarly, the order passed in revision by the Additional Chief Secretary dated 03.02.2023, now placed on record as Annexure P-27 had also been challenged which had been preferred against the order dated 15.07.2022 (Annexure P-18) passed by the Registrar.

2. It is relevant to point out that the writ petition was filed in February, 2023 and copy of the said order was not available, which has now been placed on record as Annexure P-27. The Learned Single Judge had disposed of the writ petition on 22.02.2023 on the ground that the elections had been postponed and a fresh voters list would be published and while disposing of a bunch of petitions, the appellants were given liberty to avail their remedy in accordance with law, for redressal of their surviving grievances. It is pertinent to notice that only the appellants have preferred the present appeal whereas 6 more writ petitions had also been disposed of by the said order.

3. It is not disputed that a fresh tentative voters list of eligible members has been duly prepared and sent to the Assistant Registrar, Cooperative Societies and now placed on record by the State Counsel. It is pointed out from the said list that the name of the appellants still does not find mention and therefore, the list continues to be alive for all purposes for them. It is also a matter of record that a perusal of the revised voters list dated 18.01.2023 (Annexure P-24) which had been challenged by the appellants in the writ petition, would go on to show that the same was prepared on the basis of the recommendations of the 'Sharma Commission', which Fact Finding Report has been accepted by the Department. The remarks column appended along with the said voters list, which is subject matter of challenge shows that objections regarding non-genuine members as per the 'Sharma Commission's Fact Finding Report', have been rejected.

4. It is a matter of record that the report of the 'Sharma Commission' is subject matter of consideration in CWP-11924-2019 titled *Satbir Singh Sandhu & others Vs. State of Haryana & others*, which is now stated to be pending for 29.10.2024 before the Learned Single Judge. This fact also prevailed with the Additional Chief Secretary while dismissing the Revision Petition filed by the appellants on 03.02.2023 (Annexure P-27), which order was never before the Learned Single Judge.

5. It is in such circumstances, counsel for the appellants submits that he be allowed to withdraw the present appeal, with liberty to agitate afresh for

his remedy, in accordance with law and if necessary, challenge the findings of the 'Sharma Commission', in view of the above factual matrix.

6. Counsels for the respondents, also could have no objection to the proposal which has been put-forth.

7. Resultantly, we dispose of the present appeal with liberty to the appellants to raise challenge afresh, if so desired. Needless to say that we have not commented upon the merits of the case and observations made herein are only for the limited purpose of disposal of the appeal, since on merits, the issue has not been thrashed out at the revisional level or by the Learned Single Judge.

8. It is also pertinent to notice that on 28.02.2024, statement had been made that the elections to the Managing Committee would not be held. In such circumstances, we grant liberty to the present appellants to file writ petition, on the same cause of action, as such, to raise challenge to the order dated 03.02.2023 also. However, it is further directed that for a period of 2 weeks, the elections to the Managing Committee of the Society shall not be held. In case the appellants prefer their remedy within the aforesaid period, it is open to the concerned Court to take a call on the merits regarding extension of stay.

9. With the above directions, the present appeal stands disposed of. All pending application(s) also stand disposed of, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

04.09.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No