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

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Date of Decision: 01.10.2024

**THE LUDHIANA AGGARWALA COOPERATIVE
HOUSE BUILDING SOCIETY LTD. AND OTHERS**

... Petitioners

V/S

**THE REGISTRAR COOPERATIVE
SOCIETIES, PUNJAB AND ORS.**

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Manbir Singh, Advocate for
Ms. Shivani Sharma, Advocate for the petitioners.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant writ petition has been filed under Article 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of certiorari for quashing petition dated 28.06.2024, Annexure P-6, filed under Section 55 of the Punjab Co-operative Societies Act, 1961 (for short “the 1961 Act”), notice dated 18.07.2024, Annexure P-7, and order dated 03.09.2024, Annexure P-9, passed by the Deputy Registrar Co-operative Societies, Ludhiana (hereinafter referred to as “DRCS”).

2. Counsel for the petitioners submits that private respondents No.4 to 7 had filed a petition, Annexure P-6, before the Registrar for direction to summon an Annual General Meeting of the Ludhiana Aggarwala Cooperative House Building Society Ltd. (hereinafter



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referred to as ‘the Society’) and to set aside resolution dated 12.02.2024, Annexure P-2, whereby water and sewerage charges levied on the members of the Society, have been increased.

3. Counsel submits that the petitioners, who are office bearers of the Society, have been served with the impugned notice, Annexure P-7 and they filed an application, Annexure P-8, for the dismissal of the petition, but the application has been rejected vide impugned order, Annexure P-9. It is his argument that the petition under Section 55 the 1961 Act, is not maintainable before the Arbitrator and that the DRCS has issued a notice in violation of Appendix F to the Punjab Co-operative Society Rules, 1963 (for short “the Rules”). He has further submitted that the DRCS is not the competent authority to entertain the petition.

4. Advance copy of the petition has been served upon the State.

5. State counsel has invited the attention of Court to sub-Section 3 of Section 55 of the 1961 Act to submit that any order passed by the Registrar cannot be called into question.

6. I have heard counsel for the parties and considered their respective submissions.

7. A petition has been moved by some of the private respondents, who are also the members of the Managing Committee of the Society, calling into question a resolution passed by the Society. This petition has been filed before the DRCS, who has issued notice to the petitioners. Instead of appearing before him and contesting the petition, petitioners have moved an application taking a stand that he does not have the jurisdiction to entertain it. The application has been dismissed by the



DRCS vide impugned order Annexure P-9, after noticing Section 56(a) of the 1961 Act. A perusal of the said provision shows that any reference made to an Arbitrator has to be decided by him on merits. Furthermore, in terms of Section 55(3) of 1961 Act, an order passed by Registrar on the question as to whether the dispute touches the constitution management or business of a co-operative society is final and cannot be called into question. This Court does not find any infirmity in the order passed by the DRCS.

8. Accordingly, petition is dismissed. However, in case, the petitioners choose to contest the petition by filing a response, the competent authority will examine the matter in accordance with law, uninfluenced by any observation made herein as this Court has not examined the merits of the petition, Annexure P-6.

01.10.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No