CGHC010240982023 *2026:CGHC:45513*

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SHYNA AJAY
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WPC No. 3375 of 2023

Shikshit Swarojgar Udyog Co-operative Society Limited, Bilaspur, District - Bilaspur, Chhattisgarh. Through President - Jyoti Bhushan Gaur, having its Registered Office at Garima Press Bilaspur, District - Bilaspur, Chhattisgarh (A Registered Society, Registered under the Co - operative Society Act 1960)

... Petitioner(s)

versus

Anil Kumar Banaj, VA.SA.NI., Through - Office Of The Registrar Co - operative Societies Chhattisgarh, Indrawati Bhawan, Atal Nagar Raipur, District - Raipur, Chhattisgarh.

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	:	Mr. Ashok Kumar Swarnakar, Advocate
For Respondent(s)	:	Mr. Anchal Kumar Matre, Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

28/10/2026

1. The present petition has been filed challenging the order dated

30.06.2023 passed by Chhattisgarh State Co-operative Tribunal, Bilaspur by which the Tribunal has dismissed the appeal filed by the petitioner holding that the appeal was filed by the petitioner with a belated delay of 21 days. However, no any application for condonation of delay has been filed along with an affidavit, hence, the appeal which has been filed with delay cannot be condoned and cannot be entertained. Accordingly, the appeal itself has been dismissed on the aforesaid ground.

2. Learned counsel for the petitioner submits that the order dated 30.06.2023 is not in accordance with law. It is submitted that the concerned Tribunal ought to have granted an opportunity to the petitioner to file an appropriate application for condonation of delay and thereafter the said application ought to have been considered and decided in accordance with law. The order was passed way back on 30.06.2023 and thereafter, the present petition has been filed seeking the following reliefs:

> *10.1 This Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner for its kind perusal.*
> *10.2 This Hon'ble Court may kindly be pleased to issue a writ/ direction by setting aside the order dated 30.6.23 Annexure P/3 and further direct to restore the case by opportunity been given the*

petitioner to submit an application for condoning the delay before in the Sate of Chhattisgarh Co Operative Tribunal, Bilaspur, in the interest of Justice.

10.3 Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted.

3. Learned counsel for the petitioner submits that the petitioner is a registered Co-operative Society consisting of educated unemployed engineers, architects, and technical professionals who earn their livelihood through contractual works undertaken by the Society. During the tenure of Respondent No. 1 as the authorized officer, several employees were terminated, causing severe operational disruption and direct financial losses to the Society. To recover the financial loss of Rs.2,17,476/- along with interest, the petitioner submitted an application under Section 64 of the Chhattisgarh Co-operative Societies Act, 1960. However, the Joint Registrar, Co-operative Societies, Bilaspur, rejected the application vide order dated 19.07.2022 (endorsed on 22.07.2022, without according any opportunity of hearing and without appreciating the material evidence on record. He further submits

that upon receiving the copy of the order by post on 08.08.2022, the petitioner preferred a statutory appeal under Section 78(2) of the Act before the Chhattisgarh Co-operative Tribunal for recovery of the said sum of Rs.2,17,476/- with interest. When the matter came up before the learned Chairman on 30.06.2023 in Unregistered Appeal No. Nil/2022, one of the members of the Society appeared for the petitioner, however, a delay of 21 days was found in preferring the appeal. The Chairman, vide order dated 30.06.2023 dismissed the appeal only on the hyper-technical ground that no separate delay condonation application was attached, completely bypassing the fundamental principles of natural justice by failing to afford the petitioner a reasonable opportunity to submit an application under Section 5 of the Limitation Act, 1963. Such dismissal of an appeal for a delay of 21 days, without giving a fair chance to seek condonation, deprives the Petitioner-Society of a substantial remedy and leads to a grave miscarriage of justice.

4. On the other hand, learned counsel for the respondent submits that the order dated 30.06.2023 passed by the learned Tribunal is valid, as an appeal filed beyond limitation without an application under Section 5 of the Limitation Act is non-maintainable.

5. Heard learned counsel for the parties and also perused the documents annexed with the petition.

6. Considering the facts and circumstances of the present case, this Court is of the view that the concerned Tribunal should have taken a liberal view particularly when the matter was being argued by one of the members of the society and should have directed the said member to file an appropriate application for condonation of delay, however, the same has not been done. Such a hyper-technical view, in the opinion of this Court, cannot be taken, particularly when the delay was only of 21 days and accordingly the Tribunal ought to have directed the concerned petitioner perhaps the member of the society to file an appropriate application for condonation of delay which has not been done and as such this Court is of the opinion that the order passed by the concerned Tribunal dismissing the appeal on the ground that the same was barred by limitation by 21 days and that no application for condonation of delay along with affidavit had been filed, amounts to taking a hyper-technical view of the matter by the authorities. The petitioner ought to have been granted an opportunity to file an appropriate application for condonation of delay and the same ought to have been considered and decided in

accordance with law.

7. Accordingly, the impugned order dated 30.06.2023 passed by the Chhattisgarh State Co-operative Societies Tribunal, Bilaspur is hereby **set aside**. The matter is remitted back to the concerned Tribunal and the petitioner is directed to appear before the concerned Tribunal along with the application for condonation of delay supported with an affidavit and in turn, the Tribunal shall consider and decide the same in accordance with law, without being influenced by the earlier order passed by the Tribunal preferably **within a period of 45 days** from the date of production of a copy of this order.

8. With this observation and direction, this petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay