

In the Court of Deputy Registrar (Legal), Cooperative Societies,
Punjab, Chandigarh

1. Rajinder Kumar Gaur
2. Pawan Kumar
3. Savita Sharma
4. Jagdish Singh
6. Gurmail Kaur
7. Parmod Gupta
8. P.S. Sher Gill
9. Rajiv Gupta
10. Satinder pal Singh
11. Harbans Singh
12. Jatinder Pal Singh
13. Labh Singh
14. Vimal Shukla
15. Gurpreet Kaur
16. Swinder Jit Kaur
17. Gurmeet Singh
18. Rajinder Kumar
19. Mohinder Pal Singh
20. Narinder kaur
21. P.N. Jindal



All members of The United Co Operative House Building Society Ltd., Sector 68,
Mohali

..... Petitioners

Versus

1. Joint Registrar, Cooperative Societies, Patiala Division, Patiala,
2. Deputy Registrar, Cooperative Societies, Ropar,
3. Supervisory Committee, The United Co Operative House Building Society Ltd.,
Sector 68, Mohali through its Chairman.
4. Sh. Gurdeep Singh, Assistant Registrar, Cooperative Societies Mohali, Punjab
(Office in Milk Plant, Mohali)
5. The United Co Operative House Building Society Ltd., Sector 68, Mohali through
its Supervisory Committee.

..... Respondents.

Petition Under Rule 80 of Punjab Cooperative Societies, Rules
1963 Read with section 3 (4) of the Punjab, cooperative

**COPI
ATTENDED**

Sh. Anil Mehta
Deputy Registrar
Cooperative Societies
Punjab, Chandigarh



2/11/12



2.

societies act 1961 as amended upto date read with Bye-Laws of The United Co Operative House Building Society Ltd.

- Present:-
1. Sh. Ajay Mahajan, Advocate for Petitioners.
 2. Sh. Gurjeet Singh, Clerk o/o D.R.C.S. Ropar. Respondent No. 2
 3. Sh. Narinder Kumar Puri, S.A. o/o A.R.C.S. Mohali Respondent No 4

ORDER

The Present Petition has been filed under rule 80 of the Punjab Cooperative Societies, Rules, 1963 read with section 3 sub section 3(4) of the Punjab Cooperative Societies act before Additional Registrar (C) on 05/10/2005 who vide order dated 13/12/2005 without going into the merits of the case transferred this petition to the court of Deputy Registrar Cooperative Societies, Ropar. Deputy Registrar, cooperative societies Ropar further vide his order dated 15/12/2005 sent back this case to the court of Addl. Registrar (C) for further transfer to another deputy registrar, cooperative Societies on the ground that allegation have been leveled even against him by the petitioners and has also stated that it is not proper and in the interest of justice that He should hear the case as Presiding Officer. Thereafter this case has been transferred to the undersigned for disposal and Parties were directed to appear before me on 19/12/2005

2.0 The Petitioners in their petition have averred that they are the bonafide members of respondent No 5 (Society). The respondent No 5 (Society) is a House building Society. The bye-laws of the society were amended by the registrar, cooperative societies, Punjab. The Registrar has made it mandatory for the Cooperative House Building Societies to allot House/ Flats only in the presence of Registrar, cooperative Societies, Punjab or his nominee. The amendment was made on 19/04/2004 (Annexure P1). The previous managing committee passed two resolutions, Annexure P2 dated 12/09/2004 and P3 dated 16/02/2005 contrary to the directions of the registrar without following due procedure under rule 80 of the Punjab Cooperative Societies, Rule, 1963. No notice was issued for the General Body Meeting, no agenda was circulated, no date, time, place of the meeting was conveyed to the members and to The Registrar, Cooperative Societies, Punjab. Allotment letters of flats do not bear the dispatch numbers and date. The resolution does not indicate Father's/ Husband's name or Membership Number. Some flats have not been allotted at all and some flats have been allotted twice. On these allegations, the petitioners have prayed for setting aside the resolutions (Annexure P2 and P3) and to issue directions for legal action against unauthorised occupants and cancellation of allotment of flats was prayed by the petitioners.

COPI ATTESTED
 Sharanjit Mehra
 Registrar
 Punjab Cooperative Societies
 Ropar

3.0 The respondent No 3 and 5 appeared and filed written statement before the court of Additional Registrar (C). Then the arguments were heard on 27/12/2005 by the undersigned.

4.0 I have heard the council for the petitioners, pursued the petition, reply from respondents and the record of the Society was also checked by me and some of the petitioners who appeared before me with their council. Since the entire contents of the petition stands admitted in the written reply of the respondents and the record of the Society further proves that the resolutions have been passed in the violation of Bye-Laws as no notice was issued to the members and The Registrar Cooperative Societies Punjab about the General Body Meeting, before passing resolutions dated 12/09/2004 (Annexure P2) and 16/02/2005 (Annexure P3) by the Society. Flat No 108, 122, 123 have not been allotted at all. Flats No. 124, 137, 157, 172, 197 and 434 have been allotted twice by the Society. Resolution Annexure P-1 does not indicate Father's/Husband's Name and membership No and similarly resolution Annexure P-3 does not indicate membership No and further resolution have shown cutting without authentication. On page 1 of Annexure P-2 in column no 3, there are 14 members shown, whereas flats allotted to them are 13 only. Similarly flat no 117 and 118 have been allotted to non-members. This clearly shows that the previous managing committee has passed resolutions, made allotments to his near and dear ones for extraneous considerations without serving proper notice under rule 80 of the rules laid. The allotment letters does not bear the date and dispatch nos. Further unauthorised allottees have been allowed unauthorised possession of the flats. Some allottees who have not even paid cost and further installments, have also been allotted flats.

In view of above produced record, evidence and factual position, I hereby set aside resolution Annexure P-2 dated 12/09/2004 and Annexure P-3 dated 16/02/2005 passed by the respondent no 5- Society under rule 80 of the rules laid. The competent authority of the society is directed to initiate legal action against unauthorised occupants as per law. The Society may take further steps for re-allotment of flats in accordance with law to the members of the Society.

NAME OF APPLICANT

Date of Decision: 27/12/2005 Announced in open court on 27.12.2005.
Date of Application: 27/12/2005
Number of Pages of Decision: 3 Pages
Amount of Copying fee: 9/-
Date of Preparation of Copy: 27/12/2005
Date of attestation of Copy: 27/12/2005
Copy Prepared by: [Signature]

[Signature]
Deputy Registrar (Legal)
Co-operative Societies, Punjab,
Chandigarh.

ATTESTED
[Signature]
Superintendent
Registrar Cooperative Societies
Punjab Chandigarh
27/12/05