

In the Court of Sh.S.K.Sinha, IAS, Financial Commissioner, Cooperation, Punjab, Chandigarh (Exercising the powers of the State Government under the Punjab Cooperative Societies Act, 1961)

Coop. 161 and 162 of 2005

Coop. 161 of 2005



1. Lt. Col. Rajiv Sachan s/o Sh. S.D.Singh, r/o Flat No. 213, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
2. Sh. Sanjoo Pandita s/o late Sh. Radha Kishan, r/o Flat No. 121, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
3. Sh. Jagmohan Singh Dara s/o Sh. Agya Singh, r/o Flat No. 113, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
4. Sh. Susheel Kotha s/o Sh. C.L.Kotha, r/o Flat No. 225, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
5. Sh. Rajiv Mattoo s/o Sh. M. K. Matoo, r/o Flat No. 241, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
6. Sh. Tarlochan Singh s/o Sh. Jagat Singh, r/o Flat No. 221, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
7. Sh. Arun Sharma s/o Sh. B.D.Sharma, r/o Flat No. 212, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
8. Sh. Thomas Joseph s/o Sh. V.M.Joseph, r/o Flat No. 215, The United Cooperative House Building Society Ltd., Sector 68, Mohali.
9. S. Daljit Singh s/o Sh. Gurbax Singh, r/o Flat No. 134, The United Cooperative House Building Society Ltd., Sector 68, Mohali.

...Petitioners

Versus

1. The Registrar Cooperative Societies, Punjab, Chandigarh.
2. The Joint Registrar Cooperative Societies, Patiala Division, Patiala.
3. The United Cooperative House Building Society Ltd., Sector 68 Mohali (Daun) through the Chairman, Supervisory Committee-cum-Assistant Registrar Cooperative Societies, Ropar.

ਕਿੱਤੀ ਕਮਿਸ਼ਨਰ ਸਹਾਇਕ ਪੰਜਾਬ।
ਕਮਲ ਨਰਿੰਗ

4. The Chairman, Supervisory Committee, The United Cooperative House Building Society Ltd., Sector 68 Mohali (Daun)-cum-Assistant Registrar Cooperative Societies, Ropar.

...Respondents

Coop. 162 of 2005

1. Satish Kumar Sharma s/o Sh. Rameshwar Dass sharma, 23-B, Sector 44-A, Chandigarh.
2. Raj Kumar Chopra s/o Sh. S.R.Chopra, 2220, Sector 15-C, Chandigarh.

...Petitioners

Versus

1. The Registrar Cooperative Societies, Punjab, Chandigarh.
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3. The United Cooperative House Building Society Ltd., Sector 68 Mohali(Daun) through the Chairman, Supervisory Committee-cum-Assistant Registrar Cooperative Societies, Ropar.
4. The Chairman, Supervisory Committee, The United Cooperative House Building Society Ltd., Sector 68 Mohali (Daun)-cum-Assistant Registrar Cooperative Societies, Ropar.

...Respondents

Present: Sh. D.V.Sharma, Advocate, Counsel for the petitioners.
 Sh. Dalbir Singh, Assistant Registrar Cooperative Societies, Ropar-cum-Chairman, Supervisory Committee.
 Sh. Som Pal, Inspector o/o R.C.S., Punjab.
 Smt. Kamla Devi, J.A. o/o J.R.C.S., Patiala.

ORDER:

These are two revision petitions under Section 69 of the Punjab Cooperative Societies Act, 1961 (hereinafter referred to as the Act) against the orders of the Joint Registrar Cooperative Societies, Patiala

ਵਿੱਚੀ ਕਮਿਸ਼ਨਰ, ਦਫਤਰ ਪੁੰਜਾਬ,
 ਨਗਰ ਨਵੀਂ

Division, Patiala (Respondent No. 2) dated 22.9.2005 pertaining to the management of the United Cooperative House Building Society Ltd. Daon, Mohali (hereinafter referred to as the Society). Therefore, both the cases are being heard together and disposed of by the same order.

2. The first petition is ^athe plea against the orders passed by the Supervisory Committee appointed by the orders of the Joint Registrar dated 22.9.2005 to manage the affairs of the Society. The petitioners feel aggrieved by an order passed by the Chairman of the Supervisory Committee, which was published in the 'Punjabi Tribune' dated 4.12.2005 vide which flats allotted by the Managing Committee ^{earlier}were cancelled by the Supervisory Committee.

3. Sh. D.V.Sharma, Advocate appeared on behalf of the petitioners and submitted that there is no provision in the Act for the appointment of a "Supervisory Committee". Under Section 26 (1-D) of the Act, when any committee ceases to hold office and no committee has been constituted in accordance with the provisions of law, then the Registrar can appoint a government employee as an Administrator, who during the period of his appointment must arrange for the constitution of a new committee.

ਦਿੱਤੀ ਕਮਿਸ਼ਨਰ ਦਫਤਰ ਪ੍ਰਿਥਾਮ ।
ਲਗਨ ਨਵੀਮ

4. The section also provides that in the case of a primary society an Administrator can be appointed for only a period of six months.

5. The United Cooperative House Building Society is a primary society and the term of the previous Managing Committee expired on 4.3.2005, therefore, the Assistant Registrar Cooperative Societies, Ropar was appointed as an Administrator of the Society and continued as such till 4.9.2005. However, he did not arrange the elections and after his term of appointment was over according to the law, a Supervisory Committee was appointed by Joint Registrar Cooperative Societies, Patiala on behalf of Registrar Cooperative Societies, Punjab.

ਸਿੱਧੀ ਕਮਿਸ਼ਨਰ ਚਲਦੇ ਪੁੱਛਾਰ
ਕਰਦੇ ਹਨ।

earlier

6. The "Supervisory Committee" issued a notice in the 'Punjabi Tribune' dated 4.12.2005 to cancel the allotment of flats to the petitioners. Aggrieved by this, the petitioners have come before this court challenging the authority of the "Supervisory Committee" which is ultra vires of the Act.

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7. Sh. Dalbir Singh, Assistant Registrar Cooperative Societies, Ropar-cum-Chairman of the Supervisory Committee submitted that there were several complaints against the previous Managing Committee of

