

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Misc No _____ of 2010

IN CWP No. 7742 of 2007

Satinder Pal Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

Objections to the report of the Administrator as well as to the lists furnished by the alleged President to the Administrator.

Respectfully Showeth:

1. That the present objections are being filed on behalf of society by the present objectors, they being the duly elected and are 5 out of 6 managing committee members of the earlier committee. The copy of the letter by the Registrar recognizing them as managing committee vide letter dated 28.04.2010 is attached as Annexure A-1.
2. That the petitioners preferred the aforesaid petition before this Hon'ble Court seeking the reference of matter to CBI in the management and other affairs of the respondent society apart from other reliefs.
3. That accordingly this Hon'ble Court pleased to pass an order dated 12.01.2010 in the aforesaid matter along with other connected petitions directing an appointment of administrator who will ask them ~~(genuine~~

2

members) to make the payment in the scheduled period by specific date out of 285 members and thereafter out of 109 members. Apart from this, this Hon'ble Court had also issued other directions in order to complete the process of allotments of flats.

4. That on this the Administrator appointed by this Hon'ble Court pleased to call for the relevant records in order to comply with the directions of this Hon'ble Court, only from the president of the society Smt Lovleen Bhupinder Kaur, at that time. The Administrator called for the list of 285 genuine members already elicited by the Scrutiny Committee and further showing how much total amount is payable and how much amount has been already paid by the said members. The Administrator also called for the other details.

5. That in response to the same the said alleged President taking the benefit of the orders dated 12.01.2010 passed by this Hon'ble Court submitted a reply dated 10.03.2010 by manipulating the records and receiving the amount on its own from the defaulting members, ignoring the other genuine and ingenuine members totally contrary to the spirit of the order dated 12.01.2010 passed by this Hon'ble Court.

6. That the alleged President included members against the name of genuine members and received the money from them after passing of the order dated 12.01.2010 and have shown them to be the purchasers/transferees of the genuine members in the aforesaid list of 285 members as well as 109 members. This fact can be verified from the records as none of the said members/persons was member of the Society nor they have made any payment at the requisite times. Even there is no resolution to that effect in the proceeding book. The Society did not file any proceedings to this effect showing the transfer of the shares in respect of the said members. Even the Society did not file any document or proof showing the alleged payment to the Society by the said members at the relevant times.

7. That neither the present objectors were associated with administrator nor they were shown the records.

8. That finding the act and conduct of the president in committing forgery and filing the false and fabricated documents before the administrator and the Hon'ble court, one of the managing committee member resigned from the post of treasure and send the copy of the same to the concerned department vide his resignation letter dated 16.03.2010. It was specifically submitted by him that the record submitted by the president are un-audited, incomplete and has not been checked and approved by the managing committee.

9. That however, the Ld Administrator filed a report dated 29.03.2010 before this Hon'ble Court, submitting therein that since no further information has been supplied to him, therefore, the list dated 31.07.2004 is considered as genuine list. A perusal of the said report would show that the list dated 31.07.2004 is a matter of record and was not in dispute. However, the dispute is with regard to transfer of shares out of the said list to some newly enrolled members who have been put in place of these members after taking huge money out of the way and after passing of order dated 31.07.2004.

10. That since the alleged President is taking law in his own hands and is filing false and fabricated lists before the Ld Administrator and the Hon'ble High Court and misleading the Hon'ble High Court, therefore, the members of the Managing Committee requested the President to call an urgent meeting as per Rules in order to pass No Confidence Motion against the President.

11. That the President failed to call the requisite meeting within the prescribed period as per Rules. Accordingly, the members of the Managing Committee made a request to the Deputy Registrar Cooperative Societies vide their letter dated 08.04.2010 to call the necessary meeting. The copy of the said letter dated 08.04.2010 is attached as Annexure A-2.

12. That thereafter the five out of six members of the Managing Committee held the meeting on 21.04.2010 and passed a No Confidence Motion against the President and elected Shri Baldev Singh Mangat as President of the Society in view of the meeting held on 21.04.2010 and submitted the resolution dated 21.04.2010 to the Deputy Registrar Cooperative Societies for seeking necessary approval vide their letter dated 23.04.2010. Copy of the said letter dated 23.04.2010 is attached as Annexure A-3.

13. That it is not out of place to mention here that vide letter dated 28.04.2010, after the approval of the resolution of the Society, the Deputy Registrar directed the Assistant Registrar Cooperative Societies to get the record of the Society to the present Managing Committee and to report to the said office.

14. That the alleged President has failed to place on record any document or proof to show the receipts of the payments by the genuine members as stated by them in the lists/annexures submitted to the Administrator which could prove the genuineness of the said members. It was incumbent upon the alleged President to have given the list of the genuine members keeping in mind that criteria and showing the details of the payment etc.

15. That the alleged President neither placed any record before the Administrator nor before the Hon'ble Court nor gave access to any of the members including Committee Members. On this, this Hon'ble Court pleased to pass an order dated 06.05.2010 directing the alleged President of the Society to make available the records to the members/ committee members as he claim to having total records with him in the court. Accordingly, objectors moved application before the alleged President seeking the necessary documents and information in terms of the order dated 07.05.2010. However, no documents or information was provided to them. The copy of said letter is attached as Annexure A-4.

5

16. That however, the Ld Administrator filed a report dated 29.03.2010 before this Hon'ble Court, submitting therein that since no further information has been supplied to him, therefore, the list dated 31.07.2004 is considered as genuine list. A perusal of the said report would show that the list dated 31.07.2004 is a matter of record and was not in dispute. However, the dispute is with regard to transfer of shares out of the said list to some newly enrolled members who have been put in place of these members after taking huge money out of the way and after passing of order dated 31.07.2004.

17. That the Administrator has also failed to show the basis for holding the said 285 members list as genuine members for entitlement of allotment without going through the Records documents with regard to date of payment and proof of payment etc.

18. That the alleged President is neither showing the records to this Hon'ble Court nor to any of the members/ committee members inspite of the order dated 06.05.2010 passed by this Hon'ble Court.

19. That the objector petitioners after verifying the details of the lists of aforesaid members and after going through the said list of 286 members and other members have found that many of the members have been wrongly included in the said list. Even, many members are shown to be transferees/purchasers and some are shown as sellers inspite of the fact that they have got refund.

20. That the petitioners have prepared a list showing the details of the members from the records which were available either in the Hon'ble Court or with some of the members and have prepared three lists i.e. of 285 members, 109 members and 101 members i.e. the members enrolled till Feb 2005. The objectors have also mentioned the objections to the genuineness of the members in the remarks submitted to the Hon'ble Court.

members there are only about 300 members who are genuine and have made the payment at the relevant time. The copies of the lists are attached as Annexure A-5 to A-7 respectively.

21. That in view of the objections made to the genuineness of the members in the remarks column, it is required that the genuineness of the said members is required to be verified in person and the said genuine members be asked to prove the payment made to the society so that the genuineness of the members can be looked into and the allotment of the flats can be made accordingly. The members who have joined after Feb 2005 are required to be treated in the seniority list as per their entry in the society or the date of payment by them to the society.

22. That the present objections are being filed in view of the false and fabricated records produced by the alleged President. The present office bearers of the managing committee of society intends to bring true picture before this Hon'ble Court. In case, the accounts of society are audited and the identification of members is established than it will be clear that who are the genuine members and are eligible for allotment. It is important to mention here that in case the aforesaid exercise is carried out under any authority appointed by this Hon'ble Court, then only 350(approx) members will come to be genuine as on Feb 2005. However with due care and caution it is submitted that in case the total genuine members are considered even then there will be not more than 460 members to the knowledge of the objectors considering their date of deposit and deposit by actual genuine members. Thus, the matter can be amicably settled and resolved by adopting any criteria which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case by ascertaining the identity of the members and their deposit.

7

23. That the present objections are being submitted without prejudice to our rights to file fresh objections after going through the records of the society as and when the same will be made available.

It is, therefore, respectfully prayed that the aforesaid objections as shown in the remarks column in the aforesaid list be considered and after identification and verification of the payments/deposits the necessary steps for allotment be taken in the interest of justice, equity and good conscience.

Balbir Singh

Prem Dindal

Ramesh Baidwan

Indrak

Chandigarh:

Dated: 20.05.2010

Objectors

Settled By

(Pawan Kumar)

Sr. Advocate

Through
Ali Khan
(Seqib Ali Khan)

Advocate

Counsel for the applicant-objectors

being the members of Society respondent no. 4

Verification:

Verified that the contents of our aforesaid objections from para 1 to 23 are true and correct to our knowledge and as per information derived from various documents and records. No part of the same is false and nothing has been concealed therefrom.

Balbir Singh

Prem Dindal

Ramesh

Indrak

Chandigarh.

Dated 20.05.2010

Baidwan

Objectors