

Government of Punjab
Department of Cooperation
Office of Registrar, Cooperative Societies, Punjab, Chandigarh

ORDER

This case has a long and winding history. The issue of genuineness of members of the United Cooperative House Building Society Limited, Daon, Tehsil Kharar (now Tehsil Mohali), District Ropar (hereinafter referred to as 'Society') has been agitated many times before the Registrar, Cooperative Societies, Punjab, the Financial Commissioner, Cooperation, Punjab, and the Hon'ble High Court of Punjab and Haryana. The facts of the case have been given in detail in the order dated 31.5.2002 passed by the Registrar, Cooperative Societies, Punjab. Briefly stating, this Society was registered on 17.6.1987 under registration No. 985 by the Assistant Registrar, Cooperative Societies, Ropar, with 15 Promoter members. New members were enrolled afresh or substituted in place of old ones from time to time. The membership of the Society stood at 231 on 30.9.1993 as per Annexure-I of the order of the Registrar, Cooperative Societies, Punjab dated 31.5.2002. Later on, total membership of the Society rose to 599. From its registration the Society had either elected Managing Committees or remained under the control of various Administrators from time to time. The central point of dispute in the first petition filed before the Registrar, Cooperative Societies, Punjab (decided on 23.2.2000) was to determine the genuineness of the list containing names of 356 members forwarded to PUDA by the society for allotment of flats to be constructed on the land at Mohali allotted to the Society. The Registrar, Cooperative Societies, Punjab while disposing of this petition vide his

order dated 23.2.2000 constituted a three-member scrutiny committee for scrutinizing the genuineness of the members of the Society. On an Appeal, the Financial Commissioner, Cooperation, Punjab vide his orders dated 4.10.2000 upheld the orders dated 23.2.2000 of the Registrar, Cooperative Societies, Punjab. In the meantime in CWP 16968 of 2000, the Hon'ble High Court of Punjab and Haryana gave a direction on 24.5.2001 to the then Deputy Registrar, Cooperative Societies who was heading the three-member committee formed under the orders dated 23.2.2000 of the Registrar, Cooperative Societies, Punjab, to submit its Scrutiny Report on or before 30.10.2001. This scrutiny committee found 540 members of the society genuine. The Hon'ble Punjab and Haryana High Court while taking the scrutiny report of the three-member committee on record, disposed of the writ petition on 8.2.2002 with the directions that the aggrieved persons shall file objections / counter objections, if any, before the Registrar, Cooperative Societies, Punjab. The Registrar, Cooperative Societies, Punjab was further directed to decide the objections after hearing the parties. The Registrar, Cooperative Societies, Punjab heard the objections through one of the Additional Registrar, Cooperative Societies, Punjab, and based on the report of the Additional Registrar, Cooperative Societies Punjab passed the order on 31.5.2002 holding 231 members of the society as genuine members.

This order dated 31.5.2002 was challenged before the Financial Commissioner, Cooperation, Punjab who set aside the same vide his order dated 8.8.2003 and further directed that the Registrar, Cooperative Societies, Punjab should give an opportunity to all the interested parties by issuance of a public notice. The Registrar,

Cooperative Societies, Punjab was also permitted to take assistance of a committee consisting of Additional Registrar (Administration) Cooperative Societies, Punjab and two senior most Additional Registrars, Cooperative Societies, Punjab so that an in-depth probe into genuineness of members of the Society could be conducted. An extract of the orders of the Financial Commissioner, Cooperation, Punjab dated 8.8.2003 is reproduced below.

"In view of the position described above, I have no alternative but to set aside the impugned order of the Registrar, Cooperative Societies, Punjab dated 31.5.2002. A direction is however, given that in pursuance of the orders passed by the Hon'ble Punjab and Haryana High Court in their order dated 8.2.2002, an opportunity should be given to all interested parties by issuance of a public notice again, by the Registrar, Cooperative Societies, Punjab that they should file claims/objections, if any, within a specified period. Such claims/objections have to be scrutinized by the Registrar as per the orders of the Hon'ble High Court dated 8.2.2002. The Registrar may take the assistance of a committee consisting of Additional Registrar (Administration), Cooperative Societies, Punjab and two senior most Additional Registrars, Cooperative Societies, Punjab. Such committee should examine all claims/objections and then in each case, a specific order should be recorded whether the claim of a particular persons is genuine or not? In case a person does not file any claim/petition, he may not have a right to be enrolled as member of the Society. It is reiterated that the exact identity and description of all the elements has to be ascertained before they are allowed to be enrolled as member of the Society. This is necessary in order to avoid any malpractice or giving a chance to the interesting elements to enroll fictitious names for their own vested interests."

These orders of Financial Commissioner, Cooperation, Punjab, dated 8.8.2003, were also challenged before the Hon'ble Punjab and Haryana High Court in CWP No 16577 of 2003. The Hon'ble Court,

vide orders dated 20.11.2003. upheld the orders dated 08.8.2003 of the Financial Commissioner, Cooperation, Punjab with the directions that no member of the Society is to be condemned unheard and full opportunity be afforded by the Scrutiny Committee to the members to present their claims/objections. An extract of these orders is reproduced below:

"In our opinion, the reasons assigned by respondent no. 2 for constituting a new Committee to examine the claims and objections in relation to the membership of the Society do not suffer from any legal infirmity and the impugned order does not suffer from any error of law apparent on the face of the record requiring interference by this Court under Article 226 of the Constitution of India. Rather, the order under challenge is essentially just, in-as-much as, the contesting groups will have the opportunity to produce evidence to substantiate their version on the issue of genuineness of the members enrolled by Shri Swaran Singh.

Hence, the writ petition is dismissed.

However, we accept the oral prayer made by the learned counsel for the petitioners and direct that the Committee constituted in pursuance of order Annexure P4 shall decide the matter as early as possible, but latest within a period of four months from the date of presentation of a copy of this order. It is also made clear that **the Committee shall not record any finding adversely affecting any person without giving him notice and opportunity of hearing.** "

The above order of the Hon'ble Punjab and Haryana High Court was received in the office of Registrar, Cooperative Societies, Punjab on 10.12.2003. On an application filed for extension of time, the time period for completion of the process was extended upto 31.7.2004.

In the meantime, the Registrar, Cooperative Societies, Punjab in compliance of the orders dated 08.8.2003 of the Financial

Commissioner, Cooperation, Punjab constituted a three-member committee on 18.9.2003, consisting of Additional Registrar (Administration), Cooperative Societies, Punjab, Mrs. Harbans Kaur Bahia and Mrs. Suman Rani Bansal, the two senior most Additional Registrars, Cooperative Societies, Punjab. This Committee issued a public notice on 28.10.2003, which was published on 3.11.2003 in the 'Punjabi Tribune' calling upon interested persons to file claims/objections with respect to membership of the Society within 15 days from the date of publication of this notice (Annexure -I). The claimants were asked to tender following documents in support of their claims:

- i) Attested copies of Membership Certificate.
- ii) Attested copies of the Membership Fee issued by the Society.
- iii) Attested copies of the Residential Proof at the time of obtaining membership.
- iv) Present residential address.
- v) Proof of the amount deposited with the Society.
- vi) An affidavit duly attested by a Sub-divisional Magistrate verifying the authenticity / genuineness of above documents submitted by the claimants.

After the expiry of prescribed time given in the public notice, the Committee received claims, which were far less than the alleged membership of the Society. In view of above, and on a written request made by the Chairman of the Supervisory Committee of the Society, the public notice was republished for the second time in 'The Tribune', Chandigarh and 'The 'Jagbani', Jalandhar on 2.12.2003 calling upon

the remaining interested persons to file their claims within 15 days from the date of publication of the notice (Annexure-II). A third attempt was made to call upon those members who had not responded to above noted two public notices to file their claims by sending them letters through registered post in January 2004 at the addresses available with the Society. Out of 365 such registered letters, 191 were returned by the postal authorities with the observations "wrong addresses" and "no such person exist". In response to above three modes of notices, the Committee received 299 claims. These Claimants were asked through letters sent by courier to come forward personally (in groups and on specific dates) at the site of the Society on 9.3.2004, 11.3.2004, 12.3.2004, 15.3.2004, 16.3.2004, 17.3.2004, 22.3.2004 and 29.3.2004 so that genuineness of their membership could be determined after examining and verifying the documents submitted by them before the Committee. The Committee still gave another opportunity to those members who could not appear personally in response to the letters sent through courier by sending them another letter under postal certification on 24.3.2004. However, before finalizing the membership issue, the Committee got published the third and final public notice in three dailies namely, 'The Tribune', 'The Ajit' and 'The Jagbani' on 28.3.2004 giving a final opportunity to those members of the Society who had not earlier responded to public notices and letters sent by registered post to come forward with their claims / objections at 2:00 PM on 29.3.2004 at the site of the Society (Annexure-III).

The above facts describe the sustained and determined efforts made by the Committee to reach out to all members through

numerous modes of communication, namely public notices, registered letters, letters under postal certificates, couriers and personal hearings (on 8 days). All out endeavours of the Committee to not only inform but also persuade the enrolled members to come forward to present their claims and assist the Committee in identifying genuine members lasted about five months i.e. starting with first public notice on 3.11.2003 and ending with the third and last public notice published on 28.3.2004. Hence, the Committee has afforded ample opportunities to all interested persons to file claims / objections as per directions given in the orders of the Financial Commissioner, Cooperation, Punjab dated 08.8.2003 and the orders of the Hon'ble High Court dated 20.11.2003.

The Society was directed to produce the entire record available with it for scrutiny before the Committee.

The Committee analyzed the inputs given in the claims submitted by the members and examined the record submitted by the Society and studied the both together in the light of the provisions of the byelaws of the Society and Punjab Cooperative Societies Act / Rules. The Committee submitted its report on 19.5.2004. The Registrar, Cooperative Societies, Punjab made certain observations thereon, which were further gone into by the Committee and a supplementary report was submitted on 10.6.2004.

I have carefully examined the two reports of the Committee dated 19.5.2004 and 10.6.2004 alongwith Proforma 'A', Proforma 'B' and Proforma 'C' enclosed with these reports (Annexures IV, V & VI, respectively). I have also perused the files maintained by the Committee, which contain the public notices issued on three

occasions, registered letters, letters sent through couriers, letters sent under postal certification and noting sheets etc.

The Committee before deciding genuineness or otherwise of each membership went into details like address at the time of enrollment, present address, nature of membership i.e. if the membership attained through transfer, then the name and father's name of the original member, date of such transfer, Sr. No. in the Membership Register, date of admission as member, date of approval as member, whether such approval was granted by the Managing Committee or General Body, Page No. of the Proceeding Book relating to each membership, counterfoil / Receipt No., amount of share money paid, relevant entries in Cash Book and Personal Ledger money deposited, if any, whether an affidavit was submitted by the member and lastly whether the member appeared in person or not.

Based on the information supplied by each claimant, co-relating it with the record submitted by the Society and after critical examination of the record, the Committee carried out a detailed study into each case. This analysis helped the Committee to decide genuineness of each member of the Society. The observations of the Committee in each case have been composed separately in Proforma 'A' (attached as Annexure-IV with this order and hereinafter referred to as Annexure IV). The Committee made a specific finding in column 18 of the Proforma 'A' - (Annexure-IV) in case of each of the members whose name figure in the records of the Society.

A total of 564 (348+2+5+100+109) claims have been received by the Committee in response to public notices / registered letters etc.

issued by it. These claims have been dealt with hereunder in five separate categories.

The first category consists of 348 Claimants whose names figure in the list of 599 and listed in Proforma 'A' of the Committee report (Annexure-IV). The second category of 2 members comprises of the Claimants who submitted their claims after submission of first scrutiny report on 19.5.2004, but before the submission of the supplementary report. The third category of 5 members comprises of the Claimants who submitted their claims after the submission of the supplementary report. The fourth category consists of 100 Claimants whose names are not borne on the records of the Society. Their names are compiled in Proforma 'B' (Annexure-V). The fifth category of 109 members are those Claimants who submitted their claims being new members enrolled by the Society in the months of January, February and March 2004 on the basis of an order dated 26.12.2003 passed by the Financial Commissioner, Cooperation, Punjab. I will deal with each of the category separately hereinafter. Before proceeding further, I would like to reproduce specific observations made by the Financial Commissioner, Cooperation, Punjab in his order dated 08.8.2003:

"Such committee should examine all claims/objections and then in each case, a specific order should be recorded whether the claim of a particular persons is genuine or not? In case a person does not file any claim/petition, he may not have a right to be enrolled as member of the Society. It is reiterated that the exact identity and description of all the elements has to be ascertained before they are allowed to be enrolled as member of the Society."

In the case of first category of 348 claims received by the Scrutiny Committee, the Committee has conducted a thorough and

intensive examination of each of these 348 claims. The supporting documents sent by the Claimants were examined alongwith the record of the Society. Exact identity and description of these Claimants were ascertained from the documents supplied by them alongwith their claims and from the comparison with the records of the Society. 17 parameters mentioned in 1st para at page 8 were looked into by the Committee in each case. Out of these 348 Claimants, 269 Claimants responded to Notices for appearing in person before the Committee on 9.3.2004, 11.3.2004, 12.3.2004, 15-17.3.2004, 22.3.2004 and 29.3.2004 at the site of the Society. Their claims were verified by the Committee in their presence.

The Committee has carried out extensive and intensive study of membership claims received by it. Out of 599 persons whose names are included in Proforma 'A' of the Committee Report (Annexure-IV), 251 (599-348) persons have not bothered to file their claims within stipulated time inspite of numerous public notices and other communications sent out to them to exercise their right. However, out of these 251, 2 persons namely, Sh. Harwinder Singh Soodan and Sh. Sohan Singh at Sr. No. 12 and 76, respectively of the Proforma 'A' of the Committee Report (Annexure-IV) submitted their claims before submission of supplementary report by the Scrutiny Committee on 10.6.2004. Another 5 Claimants namely, Smt. Poonam Talwar, Sh. Raman Kant, Sh. Manjit Singh, Smt. Rajinder Kaur and Sh. Jagdeepak Singh filed their claims on 18.6.2004, 18.6.2004, 21.6.2004, 23.6.2004 and 24.6.2004, respectively. These five claims were considered by the Committee in its meeting held on 29.7.2004. Out of these 5 Claimants, 3 have been verified as enrolled members

whose names are contained in the list of 599 members contained in Proforma 'A' of the Committee Report (Annexure-IV). Thus, these 7 claims (2+5) have been examined by the Committee in the same way as above noted 348 claims were examined. Thus, 353 members (348 members of first category + 2 members of second category + 3 members out of 5 of third category) have filed their claims. Therefore, 246 (599-353) out of 599 enrolled members have neither bothered to file their claims / objections nor they cared to be present during the personal hearing held for those members on 29.3.2004 (who had failed to respond / file claims till 28.3.2004). The Committee has thus given umpteen opportunities to the members of the Society, as directed by the Hon'ble Punjab and Haryana High Court in its orders dated 20.11.2003 and the orders of the Financial Commissioner, Cooperation, Punjab dated 08.8.2003. These members, however, have failed to respond to 3 public notices, issued at intervals over a span of 5 months in the English and Punjabi daily newspapers, letters sent through registered posts and under postal certificates. The Committee therefore, has done its best in offering a large number of opportunities to the members of the Society so that they are not condemned unheard. Here, I would like to reproduce the observations made by the Financial Commissioner, Cooperation, Punjab in his order dated 08.8.2003:

" In case a person does not file any claim/petition, he may not have a right to be enrolled as member of the Society "

The Proforma 'A' of the Committee Report (Annexure-IV) shows 251 enrolled members in column 16, who have not filed affidavits. 5 members whose names are mentioned at Sr. No. 12,24,76, 254 and

355 filed their affidavits / claims on later dates after the Proforma 'A' of the Committee Report (Annexure-IV) was prepared. After scrutiny, these members were found as genuine members though they have been shown as non-genuine members in column 18 of Proforma 'A' of the Committee Report (Annexure-IV).

Though these 246 (251-5) persons have not filed any claim / petitions. In absence of their claims and the express directions contained in the order dated 08.8.2003 of the Financial Commissioner, Cooperation, Punjab regarding establishing identity and description of each member, and in view of the findings of the Committee, they have failed to establish their membership claims. In view of the above, I declare these 246 members as non-genuine members of the Society.

Another interesting aspect emerging out of study of Proforma 'A' of the Committee Report (Annexure-IV) is that mostly these members are transferee members' (compare conclusion / remarks of the Committee in Col. 18 in all such cases with entry in Col. 5).

Out of these 348 members, the Committee examined each document submitted by the members alongwith the affidavit. As mentioned earlier, 269 out of these Claimants also appeared in person before the Committee. Exact identity and description of each member was established from the documents submitted by the Claimants and the record produced by the Society. 65 members out of these 348 could not establish their identity and description before the Committee. A list of such members is placed at Annexure VI. Reasons for finding these members not genuine has been recorded by the Committee in column 18 of Proforma 'A' -- Annexure IV. I do not have any reason in

disagreeing with the findings of the Committee with respect to these members.

The members whose claims have been found correct, based on their documents and record of the Society are mentioned separately in Proforma 'C' – Annexure - VI. The number of such members is 283. The Committee has recorded a specific findings in each case before finding the membership of these members genuine. The Committee has examined the documents enclosed with the affidavit submitted by these members.

Out of these 348 claims 39 claims belong to the last category of 109 members who were enrolled during January – March 2004. These 39 claims are discussed in two parts. 34 Claimants who are mentioned at Sr. No. 35, 116, 128, 189, 248, 267, 287, 311, 332, 342, 346, 376, 392, 410, 414, 436, 468, 469, 470, 471, 473, 475, 505, 525, 530, 531, 532, 533, 534, 536, 537, 547, 554 and 570 of Annexure 'IV' were enrolled as noted above in January – March 2004. The Society has put these members in place of originally enrolled 34 members and therefore, tried to make them part of originally enrolled 599 members. These originally enrolled 34 members never filed their claims before the Committee and therefore, the originally enrolled 34 members are non-genuine members. Anyone replacing a non-genuine member cannot, per se is entitled to be considered as genuine member. Therefore, without any prejudice to their entitlement to membership under the fifth category of 109 members, which is dealt with at the end of this order, these 34 members, who become part of 65 Claimants mentioned at previous page, are non-genuine members. The second sub-group of 5 members was also substituted in place of 5 originally

enrolled members who were part of 599 enrolled members. Though these 5 originally enrolled members were present before the Committee even then as the 5 newly enrolled members during the period of January – March 2004 cannot be put into the place of 5 originally enrolled members as the issue of genuineness of 109 members (which include these 5 members as well) is beyond the purview of the Scrutiny Committee. This issue is discussed in detail at the end of this order.

The Society, in any case, is not empowered to make any changes in the list of 599 originally enrolled members at a stage when scrutiny into genuineness of these originally enrolled members was in progress. Out of 283 members considered as genuine members by the Committee, I delete the names of above noted 5 newly enrolled members mentioned at Sr. No. 13, 37, 143, 378 and 498 of Proforma 'A' – Annexure V and declare remaining 278 members out of these 348 who filed their claims, as genuine members.

The second category of 2 Claimants namely, Sh. Harwinder Singh Soodan and Sh. Sohan Singh submitted their claims before the submission of supplementary report. These claims were put to same standard of scrutiny and examination as other claims received by the Committee. These members figure at Sr. No. 12 and 76 of the list contained in Proforma 'A' – Annexure – IV, respectively. The Committee has found these 2 members genuine and I declare these 2 members as genuine members of the Society.

The third category of Claimants consists of the following 5 members who submitted their claims on the dates mentioned against their names:

- 1. Smt Poonam Talwar 18.6.2004
- 2. Sh. Raman Kant 18.6.2004
- 3. Smt. Rajinder Kaur 23.6.2004
- 4. Sh. Manjit Singh 21.6.2004
- 5. Sh. Jagdeepak Singh 24.6.2004

Out of the above, the names at Sr. No. 1-3 appear in the record of the Society. Their names appear at Sr. Nos. 24, 254 and 355 in Proforma 'A' - Annexure IV, respectively. The documents attached by them with their claims were examined and found correct by the Committee. But the claims of the remaining 2 persons at Sr. No. 4 and 5 are not proved by the records of the Society. Their identity and description is not supported by the records of the Society. Therefore, out of these 5 Claimants, I consider 3 Claimants at Sr. No. 1-3 as genuine members of the Society.

The details of these 2+5=7 Claimants are placed at Annexure VII.

Out of these first, second and third categories, I declare the following $278+2+3 = 283$ members as genuine members, respectively. Their names alongwith Ledger Nos. as per the records of the Society are given below:

Sr. No.	Name of the Member	Ledger No.
1	Surinder Singh s/o Piara Singh	2
2	Smt Pritpal Kaur w/o Jatinder Singh	4
3	Harpreet Singh Aulakh S/o Swarn Singh	8
4	Beli Ram S/o Sh. Mohan Lal	9
5	Kulwant Rai Panesher S/O S. Shadhi Ram	10

Sr. No.	Name of the Member	Ledger No.
6	Daljit Singh S/o Gurmukh Singh	16
7	S.Swam Singh S/o Harbant Singh	18
8 ✓ A	Sudarshan Kaur D/o Prem Singh	19
9 ✓ A	Kuldeep Kaur D/o Jagtar Singh	20
10	Satinder Pal Singh S/o Gurdial Singh	21
11 ✓	Kulwinder Singh S/o Atter Singh	23
12	Sucha Singh S/o Dalip Singh	25
13	Jagmohan SinghDara S/o Agya Singh	28
14	Banniwant Pannu W/o Karminder Singh	32
15	Harpreet Singh S/o Santokh Singh	33
16	Kulbir SinghS/o Arjan Singh	34
17	Tara SinghS/o Charat Singh	36
18	Raghibir SinghS/o Daljit Singh	41
19	Balbir SinghS/o Bhagat Singh	59
20	Smt Satinder Kaur D/o Mohinder Singh	61
21	Daljit Singh S/o Amar Singh	66
22	Swinder Singh S/o HarSharan Singh	67
23	Manpreet SinghS/o Jarnail Singh	70
24	Mohan Singh S/o Bachan Singh	72
25	Antarjit Kaur W/o Harvinder Singh	73
26	Smt Gian Kaur W/o Didar Singh	77
27	Gurwinder SinghS/o Balbir Singh	78
28	Swaran Singh S/o Gurdev Singh	85
29	Jasbir Singh S/o Ram Singh	99
30	Surjit Kaur W/o Bhagat Singh	101
31	Harjinder Kaur W/o Bikker Singh	103
32	Kulwant Kaur W/o Capt Surjit Singh	104
33	Sukhjinder Singh S/o Jagdish Singh	106
34	Mangwant Mohinder SinghS/o Mohinder Singh	108
35	Karminder Singh S/o Jaswant Singh	111

Sr. No.	Name of the Member	Ledger No.
36	Kuldeep Singh Mangat S/o Pritam Singh	121
37	Amarjit Singh S/o Jaswant Singh	128
38	Jagdish Kaur W/o Jarnail Singh	129
39	Chirag Basant Singh S/o Sh Amarjit Singh sodhi	131
40	Balbir Singh S/o Arjun Singh	134
41	Manjit Singh S/o Rattan Singh	137
42	Kuldeep Singh S/o Bhagat Singh	140
43	Hari Singh S/o Labh Singh	141
44	Major J.S Virdi S/o Naranjan Gian Singh	144
45	Sushil Kumar S/o Niran an Dass	146
46	Gurcharan Singh S/o Ram Singh	154
47	Amajit Kaur W/o Joginder Singh	158
48	Savinder Kaur W/o Jaspreet Singh	160
49	Dalbir Singh S/o Parshari Singh	164
50	Kulwant Kaur D/o Baldev Singh	165
51	Parabhdeep Singh S/o Gurcharan Singh	166
52	Gurbinder Kaur W/o Gurcharan Singh	167
53	Sunder Pal Singh S/o Lok Ram	169
54	Rajinder Singh S/o Gurdev Singh	170
55	Kuldip Kaur W/o Ajit Singh	171
56	Rajeev Gupta S/o S.L Gupta	172
57	Kuldeep Kaur W/o Arjun Singh	173
58	Satwant Kaur W/o Daljit Singh	175
59	Ran Singh S/o Mehanga Singh	176
60	Sita Ram S/o Dulia Ram	177
61	Rajinder Kumar S/o Gurchar Singh	178
62	Lakhbir Singh S/o Babu Singh	179
63	Baljinder pal Singh S/o Tejpal Singh	180
64	Harminder Kaur W/o Surcharan Singh	181
65	Bahadur Singh S/o Jagtar Singh	183

Sr. No.	Name of the Member	Ledger No.
66	Kulwant Singh S/o Pritam Singh	184
67	Sukhpal Singh S/o Kehar Singh	185
68	Smt Paarveen Kaur W/o Sabbar Singh brar	188
69	Balwinder Kaur W/o Dalip Singh	190
70	SMT Madhu Mitta W/o Hardwan Lal	191
71	Tarlachan Kaur W/o Nirmal Singh	197
72	SatNam Singh S/o Rur Singh	211
73	Rajinder Singh S/o Raj Kumar	213
74	Balwant Singh S/o Anokh Singh	214
75	Amrik Singh S/o Ram Gopal	216
76	Simranjit Singh S/o Liyak Singh	217
77	Yaspal Kaur W/o Bhupinder Singh	219
78	Pushpa Rani W/o Palwinder Singh	220
79	Mohinder Kaur W/o Kirpal Singh	221
80	Rakesh kumar S/o Tarseen chand	223
81	Pasottam bansal S/o Jaswant Rai	224
82	Smt Saroj Kalia W/o Som Rai Kalia	228
83	Suninder Kaur W/o Pishora Singh	229
84	Ashok Kumar S/o Sohan Lal	230
85	Kuldeep Kaur W/o Surinderpal Singh	232
86	Santokh Singh S/o Sant Singh	233
87	Subash Manocha S/o S.Sat Ram	235
88	Basant Singh S/o Karam Singh	236
89	Gurmit Walia D/o S.C Walia	237
90	Basant Kumar S/o B.R Bajaj	239
91	Palwinder Kaur W/o Daljit Singh	241
92	Malkiat Singh S/o Karam Singh	242
93	Inderjit Singh S/o Hardev Singh	246
94	Ranjinder Kaur W/o Jagtar Singh	247
95	Maya Kausal W/o R.P Kausal	248
96	Bhupinder Singh S/o Kartar Singh	250

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Sr. No.	Name of the Member	Ledger No.
97	Jagwinder Singh S/o Sardal Singh	251
98	Ashok Kumar S/o Surinder Kumar	253
99	Shaminder Sharma S/o Har Chand	255
100	Tarsem Kaur W/o Parmjeet Singh	256
101	Gurdip Singh S/o Mohinder Singh	257
102	Inderjit Walia S/o S C Walia	258
103	Balbir Kaur D/o Manjit Singh	261
104	Paramjit Singh S/o Karam Singh	262
105	Sarabjit Kaur W/o Daulat Singh	263
106	Swamjit Singh S/o Nachattar Singh	265
107	Manij Kohli S/o T.T.S Kohli	266
108	KamalKant Saini S/o Balraj Saini	268
109	Sanjiv Sharma K.N Sharma	271
110	Rajiv Sharma R.N Sharma	273
111	Anil Kumar S/o Ram Singh	274
112	Jagdish Kumar S/o Kartar Singh	275
113	Gurtej Singh S/o Amar Singh	276
114	Gurmail Kaur W/o Hardev Singh	277
115	Vimai suklaS/o Kishori Lal	278
116	Inderjit Singh S/o Kartar Singh	279
117	Akashdeep Singh S/o Avtar Singh	280
118	Lavlin/Bhupinder Kaur W/o Kuldeep Singh	281
119	Hardial Singh S/o Nalayen Dass	282
120	JBS Taliyar S/o BBL Katyul	283
121	Gurcharan Singh S/o Jagir Singh	284
122	Charanjeet Kaur W/o Manjit Singh	285
123	Dinesh Pachuri S/o DD Pachuri	286
124	Simran Chahal S/o Jasbir Singh	288
125	Jasmeet JatanaD/o Dr D S Jattana	290
126	Kuldeep Kaur W/o Amar Singh	292
127	Sukhjeet Singh S/o Manohar Singh	293
128	Varun AhulawaliaS/o Raj Kumar	294

Sr. No.	Name of the Member	Ledger No.
129	Bajjinder Singh S/o Ram Saran	295
130	Balbir Singh S/o Ram Saran Singh	296
131	Gagandeep Singh S/o Swaran Singh	298
132	Amil Saini S/o Tirtok Saini	299
133	Neraj Tandan s/o R.C. Tandon	300
134	Prem Lata d/o Upender Lal	301
135	Sanjeev Kumar s/o Kartari Lal	302
136	Mandeep Kaur d/o Amar Singh	303
137	Amarjit Singh s/o Dalip Singh	304
138	Pratap Kaur d/o Paramjit Singh	305
139	Surinder Kaur d/o Ranjit Singh	306
140	Sushil Khandelwal s/o Sham Sunder	308
141	Kashmir Singh s/o Motti Ram	309
142	Parkash Chand s/o Mohan Lal	310
143	Charanjit Kaur w/o Karamjit Singh	313
144	Gurdeep Kaur d/o Ujjagar Singh	314
145	Jamail Kaur w/o Ranjit Singh	315
146	Sucha Singh s/o Dev Raj	316
147	Davinder Singh s/o Mohan Lal	317
148	Amar Chand s/o Faqeer Chand	318
149	Bhupinder Singh s/o Gumam Singh	319
150	Darshan Lal s/o Mohkam Chand	320
151	Bhupinder Singh s/o Chet Singh	321
152	Saranjit Kaur w/o Rattan Anmol Singh	322
153	Rajwinder Kaur w/o Surinder Singh	324
154	Gurdeep Kaur Negi w/o Avtar Singh	325
155	Ajay Trikha s/o R.N. Trikha	326
156	Manmohan Singh Longia s/o Prem Singh	327
157	Vannder Singh s/o Ranjit Singh	334
158	Ravinder Singh s/o Harbhajan Singh	335
159	Manhvi Gupta w/o S.P. Gupta	336
160	Sukhwinder Singh s/o Nirmal Singh	337
161	Saran Chetty s/o Prem Nath	338

Sr. No.	Name of the Member	Ledger No.
162	Gurcharan Kaur w/o JagjitSingh	340
163	Baljit Kaur w/o Jasbir Singh	341
164	ShivKumar s/o Jagar Nath	343
165	SurjitSingh s/o Chanan Singh	344
166	AshokKumar Bagga s/o Arjan Nath	345
167	Rajinder Singh s/o Gurdial Singh	347
168	Amnk Singh s/o Garib Singh	348
169	Swaran Kaur w/o Surinder Singh	349
170	AmarjitSingh s/oJanakSingh	351
171	Rajinder Kaur w/o Rajinder singh	352
172	Sukhwinder Kaur w/o Harjit Singh	353
173	Manmohan Singh s/o PiaraSingh	354
174	Dalbag Rai s/oRam PatRai	356
175	Surinder Singh s/oRaghbir Singh	357
176	Naranjan Singh s/o ShamSingh	361
177	HardevSingh s/oJat Ram	362
178	SukhjitKaur w/oSarabjitSingh	363
179	Rosy Sharma W/o UmaKanta Sharma	364
180	Jaswinder Singh s/o Santokh Singh	367
181	Mehar Singh s/o Rikhi Ram	369
182	Jora Singh s/o Mohan Singh	370
183	Harbinder Singh s/o Ajmer Singh	372
184	Amarjit Kaur w/o Malwinder Singh	373
185	Pushpinder Kaur d/o Gurpartap Singh	374
186	Dr Monica Dass w/o D Dass	375
187	Balwant Singh s/o Tara Singh	379
188	Gilbert Sushil Kumar s/o Jagat Singh	380
189	K P Chaudhary s/o Ratan Chand	381
190	Srimati Murti Devi w/o Ramesh Chand	383
191	Paramjit Singh s/o Mohinder Singh	384
192	Gurvinder Kaur w/o Satwinder Singh	385
193	Deep Kaur w/o Kuldeep Singh	388
194	Varjinder Kaur w/o Shamsher Singh	389

Sr. No.	Name of the Member	Ledger No.
195	Joginder Kaur w/o Charanjit Singh	390
196	Devinder Wadwa s/o Bodh Dass	391
197	Charanjiv Singh s/o Gurbax Singh	393
198	Gurmit Kaur w/o Sukhwinder Singh	394
199	Seema Soni w/o Sanjeev Soni	396
200	Privedan Singh Gill s/o Surmukh Singh	399
201	Jagdeep Singh s/o Man Singh	401
202	Kamal Kumar s/o M L Sharma	402
203	Satish Kumar s/o Kham Chand	403
204	Raj Kumar s/o Hans Raj	405
205	Narinder Kumar s/o Sadhu Ram	406
206	Iqbal Kaur w/o Kulbir Singh Bhatti	407
207	Santosh Mahajan w/o Varinder Kumar	409
208	Naveen Kumar / K L Gupta	411
209	Anita Gupta w/o K K Gupta	412
210	Amarpal Singh s/o Joginder Singh Virk	413
211	^A I D Rana s/o L R Rana	415
212	Paramjit Singh s/o Charanjit Singh	416
213	Harminer Kaur w/o Lal Singh	417
214	Jaspal Singh s/o Ranjit Singh	418
215	Devinder Kaur w/o Kulwinder Singh	419
216	Jarnail Singh s/o Mehar Singh	426
217	Randhir Singh s/o Phatna Singh	427
218	Lakhvir Singh s/o Jagjit Singh	435
219	Kulvir Singh s/o Mohan Singh	447
220	Manjit Kaur w/o Parmjit Singh	451
221	Rajinder Kaur w/o Nachhatar Singh	452
222	Nachhatar Singh s/o Bhagwan	453
223	Lakhvir Singh s/o Dharampal Singh	457
224	Manjit Dalawri w/o Tejinder Singh	466
225	Darshan Singh s/o Amar Singh	467
226	Neelam Chauhan w/o S K Chauhan	472
227	Paramjit Kaur w/o Gurdial Singh	476
228	Sanju Kaushal d/o Raj Kumar	477
229	Sohan Singh s/o Baghel Singh	478

Sr. No.	Name of the Member	Ledger No.
230	Varinder Kaur w/o H S Kochhar	479
231	Mukesh Kumar s/o Baldev Sahai	480
232	Laltesh Goel W/o Naresh Goel	482
233	Narinder Kaur W/o Gurbej Singh	486
234	Balwinder Singh s/o Gurcharan Singh	487
235	Darshan Singh s/o amrit Singh	488
236	B S Sidhu s/o Shiv dayal Singh	491
237	Jaspreet Kaur d/o Surjit Singh	492
238	Jaswinder Kaur w/o H S Sandhu	493
239	Nasib Kaur w/o Ram Ashra	494
240	Joginder Kaur w/o Gurdev Singh	496
241	Nahar Singh s/c Sobha Singh	501
242	Harmesh Kumar Soni s/o N K Soni	503
243	Usha Kiran Abrool w/o O P Abrool	506
244	Pritpal Kau D/o Hardev Singh	507
245	Usha Rani w/o Gurmeet Chand	513
246	Amrit pal Kaur w/o Gurtej Singh	520
247	Uditya Dyami w/o Mandeep Singh	529
248	Amrinder Singh Gill s/o Darshan Singh	538
249 LA	Nirmal Singh s/o Attar Singh	552
250	Ajmer Singh s/o Lachhman Singh	553
251 LA	Devinder Kaur w/o Prem Singh	555
252	Soniya Bains w/o G R Bains	556
253 LA	Rajiv k Saini s/o Dalbagh Singh Saini	557
254 LA	Naveen Saini s/o B S Saini	558
255 LA	Kuldeep Singh s/o Attar Singh	559
256 LA	SatwantSingh s/o Attar Singh	560
257 LA	Harvinder Singh s/o Attar Singh	561
258 LA	Gurinder Kaur w/o Kuldeep Singh	562
259 LA	Rajesh Khandewal s/o Shyam Sunder	563
260	Darshan Kumar s/o Harnek Chand	564
261 LA	Navjot Kaur w/o Dilbagh Singh	566
262 LA	Joyti Sharma w/o N K Sharma	571
263 LA	Bakhshi Singh s/o Hari Singh	572
264	Pawan Kumar s/o Dhani Ram	573

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Sr. No.	Name of the Member	Ledger No.
265	Darbara Singh s/o Kartar Singh	575
266	Vinod Kumari Bansal w/o S P Bansal	576
267	Abhinash Kaur w/o Harbhajan Singh	577
268	M M Ghaingou s/o Tarlok Singh	578
269	Shyam Lal s/o Matu Ram	579
270	Basheshar Nath s/o Dhiru Nath	581
271	Jatinder pal Singh s/o Raghbir Singh	583
272	M S Parmar s/o Giani Channan Singh	589
273	Mewa Singh s/o Karam Singh	590
274	Amrik Singh s/o Ram Singh	594
275	Harbhaya Singh s/o Hardev Singh	595
276	Vedivelen Rajan w/o Silvaudi Rajan	596
277	Satpal Kaur w/o Jaswant Singh	598
278	Gurdarshan Singh s/o Harbhajan Singh	599

1	Harwinder Singh Soodan s/o Sh. Parshotam Singh	12
2	Sohan Singh s/o Sh. Bachan Singh	76

1	Rajinder Kaur wife of Sh Rashpal Singh	24
2	Poonam Talwar wife of Sh N.K. Talwar	254
3	Raman Kant s/o Sh. Kishan Chand	355

The fourth category of Claimants is of those who filed their claims but their names and the amount shown as deposited with the Society by them do not appear in the records of the Society. Such Claimants are 100 in number. Though these persons whose particulars are mentioned in Proforma 'B' – Annexure - V claim

membership on the basis of some receipts issued to them for depositing Rs. 110/- as share money but the records of the Society do not support such claims. Such deposits have not been reflected in the records of the Society. The Committee has examined the claims of these 100 Claimants in detail and has observed:

"Proforma 'B' mentions the names of these Claimants who do not find a mention in the Society's record. These Claimants have each submitted a receipt of Rs. 110/- as share money & admission fees and in some cases a share certificate of the Society. The signatures on the receipt are by one Kuldip Kaur and Balbir Singh Gotra. The share certificates are in a Proforma different from the one being currently used by the Society. Most of these claimants have mentioned that they handed over the money in the old office of the society near the Amb Sahib Gurudwara at Mohali. The statement of Smt. Kuldeep Kaur was recorded. In her statement she has mentioned that the share money was collected by her. She mentioned that this money was utilized by the society to pay the rent of the office building near the Amb Sahib Gurudwara, Mohali. She has stated that she does not remember whether any entry was made in the records of the Society about this money. None of these people have anything else to say about their membership, neither did they had any other proof to show that they were in fact bonafide members. These claimants' names do not find any mention in the available record of the Society. It is also observed by the Committee that the original record of the Society including the original membership register from the period 1995 to 1998 is not available and it is stated to be missing/destroyed and the Society has reconstructed the record for this time period. The documents/particulars mentioned by these claimants could not be verified by the Committee with the available record maintained by the Society and produced before the Committee for verification / investigation. In the absence of any authentic record from which these claims/objections could have been verified, this Committee finds it difficult to record any conclusive findings on the fate of these claimants who have come forward and submitted their claims and the Committee places this matter

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before the competent authority to pass an appropriate order in this regard."

These Claimants have no other record except the receipts of Rs. 110/- in each case to prove their membership claims. I would like to again reproduce an observation contained in the orders of the Financial Commissioner, Cooperation, Punjab dated 08.8.2003, which is very relevant to this category:

"It is reiterated that the exact identity and description of all the elements has to be ascertained before they are allowed to be enrolled as members of the Society."

The exact identity and the description of these Claimants cannot be established from the records of the Society as their names are missing from the vital records of the Society. The Committee has discussed their claims in detail as quoted above. The only document on which these Claimants based their stake to membership is a receipt of share money. They were asked by the Committee to produce any other relevant documents in support of genuineness of these receipts. They failed to do so. Interestingly, the amount so collected in the form of share money i.e. Rs. 110/- in each case was never deposited into the accounts of the Society as per the statement of Smt. Kuldeep Kaur, one of the signatories on these receipts, which was recorded on 19.5.2004. The Committee has based its recommendations on the records available and produced before it. Though the original membership register from the period 1995 to 1998 is not available and is reportedly missing / destroyed, the Society has reconstructed the record for this period. Even the reconstructed record does not contain the names of these 100 Claimants. The names of

these Claimants are also not mentioned in the Proceedings Book, which is available in original and was produced before the Committee. Further, the amounts deposited by each of the Claimants has also not been reflected in the Cash Book of the Society, produced before the Committee. Though the number of persons whose particulars are given in Proforma 'B' by the Scrutiny Committee is 100 only but 2 persons namely, Sh. Jagdeepak Singh and Sh. Manjit Singh, whose names are mentioned in Annexure VII of this order at Sr. No. 6 and 7 filed their claims on 24.6.2004 and 21.6.2004, respectively before the Scrutiny Committee but the Committee did not considered them to be the genuine members of the Society. These 2 members also fall in the category of 100 Claimants under discussion here, In view of lack of supporting evidence from the records of the Society and non-submission of any other document, which could support their membership claim, conferring genuine membership status on these Claimants on the basis of share money receipts alone will be incorrect.

Therefore, I conclude that the above 102 members are not genuine members of the Society.

Before I discuss the claims of fifth category of 109 Claimants, it is relevant to make reference to an order dated 26.12.2003 of the Financial Commissioner, Cooperation, Punjab passed in a Revision Petition under section 69 of the Punjab Cooperative Societies Act, 1961. Election to the Managing Committee of the Society was held on 05.3.2000. In an Election Petition before the Additional Registrar (Industries), Cooperative Societies, Punjab, the election was set aside. This order was challenged in a Revision Petition as noted

above before the Financial Commissioner, Cooperation, Punjab. While accepting the Revision Petition and upholding the election held on 05.3.2000, the Financial Commissioner, Cooperation, Punjab observed in his order dated 26.12.2003 as below:

"There is, however, no bar in making additional members if they otherwise qualify to be member. In the absence of any conclusive findings uptill now on the basis of specific investigation, it cannot be conclusively said that the members who voted in the election were not the genuine members."

These 109 claims were received between January and March 2004. It is clear that addition of new members started just after the above orders of the Financial Commissioner, Cooperation, Punjab.

The Committee while examining the claims of these 109 persons deliberated on this issue in its supplementary report, as below:

"It would be pertinent to point out here that the orders of Ld. Financial Commissioner Cooperation dated 26th December 2003, clearly mentions that there is no bar on making additional or new members. However, this order cannot be extended to substitute new members in place of old members, when the very existence of old members was doubtful and a Committee of senior officers of the department was scrutinizing the genuineness of these memberships. Most of the old members, whose names were substituted, never responded to the public notices issued in various leading newspapers. As has been pointed out in Para 2 above the Public Notices were issued in the month of November and December, i.e. much before the actual transfer of membership took place. Only in 5 cases the original members filed their claims and could prove their genuineness. In all other cases, if the names mentioned in the membership register of the Society, really had an existence then they should have responded to claim their membership. Also when registered letters were issued to the addresses mentioned against these names in the membership register of the Society, around 191 such letters returned undelivered, with the observations of the postman that "no such person exist". All

these facts give credence to the fact that the names against which the substitutions have been made were non-existent persons and all these transfers hence does not hold good. "

It is strange that while Scrutiny Committee was examining genuineness of originally enrolled members, the Managing Committee of the Society was not only enrolling new members but was audacious enough to delete membership of a large number of originally enrolled members. These newly enrolled members have then been put into the shoes of old non-genuine members who have not come forward before the Scrutiny Committee to establish their genuineness. There is a serious question mark on this action of the Managing Committee of the Society. Almost all the members whose place has been shown taken by new members are those who had not responded to the public notices etc. and have thus been declared as non-genuine members by the Scrutiny Committee. Therefore, so far as the replacement of old members with new members enrolled during late January to March 2004 is concerned, this action of the Managing Committee of the Society is against the orders under which scrutiny into the genuineness of the originally enrolled members of the Society has been undertaken

Question of deciding genuineness of these 109 newly enrolled members is beyond the scope of the Scrutiny Committee. The scope of this Committee can not be extended to include those members in its purview who were enrolled after the constitution of the Committee. Further, substitution of originally enrolled members whose genuineness per se is not yet proved, with these newly enrolled members can not be permitted. 34 such newly enrolled members have

been included by substitution in Proforma 'A' – Annexure IV. All 34 originally enrolled members who were made to pave way for these newly enrolled members themselves failed to file any claim before the Committee. In addition to this, 5 newly enrolled members produced 5 originally enrolled members before the Committee, whom they have allegedly substituted in Proforma 'A' – Annexure IV and have been considered as genuine members by the Committee, are also not permitted to replace the 5 originally enrolled members on the ground that their new membership status, which they got during January – March 2004, is beyond the jurisdiction of the Scrutiny Committee so far as their substitution is concerned.

So far as admission of these 109 members in late January to early March, 2004 is concerned, without prejudice to their right to membership or the right of the Managing Committee to enroll them as members, I refrain from passing any order in respect thereto as this matter is not covered by the order dated 08.8.2003 of the court of learned Financial Commissioner, Cooperation, Punjab and orders dated 20.11.2003 of the Hon'ble Punjab and Haryana High Court in CWP No. 16577 of 2003. The matter would be dealt with by the competent authority separately.

Dated: 31.7.2004


 Registrar,
 Cooperative Societies, Punjab,
 Chandigarh