

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7074/2005

(From the judgement and order dated 21/03/2005 in LPA No. 137/2005 of

The

HIGH COURT OF PATNA)

RAJ KISHORE PRASAD & ORS.

Petitioner(s)

VERSUS

BIHAR STATE COOP BANK & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned  
Judgment,impleading party,permission to place addl. documents on record  
and prayer for interim relief and office report ))

Date: 21/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s) Mr. Mukul Rohatgi, Sr.Adv.

Mr. P.K. Shahi, Adv.

Mr. Tapes K. Singh, Adv.

Mr. Alok Kumar,Adv.

For Respondent(s) Mr. Gopal Subharamaniam, Sr.Adv.

Mr. Ajit Kumar Sinha,Adv.

UPON hearing counsel the Court made the following

O R D E R

Special Leave granted.

The appeal is disposed of in terms of the signed order.

No orders on the application for impleadment.

(SUKHBIR PAUL KAUR)

(VIJAY DHAWAN)

COURT MASTER

COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2844 OF 2005

(Arising out of SLP(C) NO.7074 of 2005)

RAJ KISHORE PRASAD & ORS.

....APPELLANT(S)

VERSUS

O R D E R

Special Leave granted.

We have heard counsel for the appellants as well as counsel for the Bihar State Coop. Bank Respondent No.1.

We find that an order was issued by the Managing Director of the Apex Bank on 5.7.2004 de-affiliating the Patliputra Bank. Against that order we are informed, a reference is pending under Section 48 of the Bihar & Orissa Cooperative Societies Act, 1935 before the Registrar Cooperative Societies.

It also appears that the Managing Director sent a communication to the Registrar Cooperative Societies pointing out certain irregularities as against the Patliputra Bank. The Registrar of Cooperative Societies

thereafter issued a show cause notice under Section 41 of the Act on 23rd July, 2004. The initiation of proceeding under Section 41 of the Act was challenged by the appellant before the High Court, which was allowed by a learned Single Judge of the Court, but the appeal against that order has been allowed by a Division Bench with a direction that the appellants shall respond to the show cause notice and the Registrar Cooperative Societies shall dispose of the matter under Section 41 of the Act within two weeks.

We are of the view that the reference pending against the order of the Managing Director of Respondent No.1 issued on 5.7.2004 should also be disposed of as early as possible. We, therefore, modify the order of the High Court to the extent that the reference preferred by the appellants against the order dated 5th July, 2004

shall be disposed of by the Registrar in the first instance, and thereafter he shall take up the show cause notice issued under Section 41 of the Act and dispose it of in accordance with law.

We grant one week's time to the appellants to file their response to the show cause notice, and within two

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weeks' thereafter both the matters should be disposed of by the Registrar Cooperative Societies as directed hereinbefore.

No orders on the application for impleadment.

The appeal is disposed of accordingly.

.....J.

(B.P.SINGH)

.....J.

(ARUN KUMAR)

NEW DELHI ;

APRIL 21, 2005