

ITEM NO.9

COURT NO.10

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 12168-12170/2011

(Arising out of impugned final judgment and order dated 03-11-2008 in WPC No. 2338/2005 28-07-2010 in RP No. 14764/2008 21-01-2011 in CM No. 20491/2010 passed by the High Court Of Delhi At New Delhi)

SEEMA SHARMA & ORS.

Petitioner(s)

VERSUS

REGISTRAR CO-OPERATIVE SOCIETIES & ORS.

Respondent(s)

(FOR INTERVENTION/IMPLEADMENT ON IA 25902/2018
FOR [Application for vacating interim Order] ON IA 26115/2016
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 93042/2017
FOR INTERVENTION/IMPLEADMENT ON IA 35025/2018
FOR INTERVENTION/IMPLEADMENT ON IA 35032/2018, IA 16/2015
INTERVENTION,56162/2018 INTERVENTION APPLICATION)

WITH

SLP(C) No. 12171-12173/2011

SLP(C) No. 26950-26952/2011

SLP(C) No. 11116-11118/2012

SLP(C) No. 31156-31159/2011

Date : 03-05-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Ravindra Shrivastava, Sr. Adv.
Mr. K.K. Lahoti, Sr. Adv.
Mr. Manish Kaushik, Adv.
Mr. Divyakant Lahoti, Adv.
Mr. Praikshit Ahuja, Adv.
Mr. Arvind Kumar Gupta, AOR

Ms. Kiran Suri, Sr. Adv.
Mr. S.S. Ray, Adv.
Mr. Sanjveen Das, Adv.

Mr. B.V. Balramdas, AOR

Mr. Gaurav Agrawal, AOR

Mr. Anupam Lal Das, AOR

Mr. Amol Nirmalkumar Suryawanshi, AOR

Mr. K. N. Rai, AOR

For Respondent(s) Ms. Hetu Arora Sethi, Adv.

Mr. Anupam Lal Das, AOR

Mr. Anirudh Singh, Adv.

Mr. Krishanu Barua, Adv.

Mrs. Anil Katiyar, AOR

Mr. Rajat Aneja, Adv.

Ms. Chandrika Gupta, Adv.

Mr. K. N. Rai, AOR

Mrs. Mona K. Rajvanshi, AOR

Mr. Krishan Kumar, AOR

Mr. Satyapal Khushal Chand Pasi, AOR

Mr. C. D. Singh, AOR

Mr. Shekhar Kumar, AOR

Mr. Mukesh Kumar Maroria, AOR

Mr. F.K. Jain, Adv.

Mr. Deepanshu Garg, Adv.

Mr. Abhishek Vikas, AOR

Mr. O. P. Bhadani, AOR

Mr. Gurmeet Singh Makker, AOR

For Impleaders Mr. Mahabir Singh, Sr. Adv.

Ms. Savita Prabhakar, Adv.

Mr. Amit Bhanot, Adv.

Mr. Purshottam Singh, Adv.

Mr. Jagjit Singh, Adv.

Mr. Harish P. Adv.

For Intervenor(s) Mr. Narendra Prasad Yadav, Adv.

Mr. Aditya Kumar Sinha, Adv.

Mr. Rishabha Raj Thakur, Adv.

Mr. Vikhar Ahmed B., Adv.

Mr. Somnath Pradhan, AOR

Mr. Deepak Anand, AOR

Mr. Kamal Mehta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Applications for impleadment/intervention are allowed.

In the facts and circumstances of the case, no case for interference is made out.

We are satisfied that the High Court has passed an equitable order in favor of the petitioners in spite of their being inducted as members, subsequently certain directions have been issued for construction of flats and thereafter to hand over to them.

In the facts and circumstances of the case, complete justice has been done by the High Court.

Mr. Ravindra Shrivastava, learned Senior counsel has also raised a submission that in view of Rule 36(3) as the order was not passed by the Registrar of the co-operative Society within stipulated period he became functus officio and could not have passed order reinducting the member who were expelled by the society.

Learned Senior counsel has relied upon the decision in "*Balasinor Nagrik Cooperative Bank Ltd. Vs. Babubhai Shankerlal Pandya & Others*" (1987)1 SCC 606 in The Gujarat Co-operative Societies Act, 1961, in which Section 36(1) of Gujarat Co-operative Society Act came for consideration of this Court. The second proviso of said Section 36 laid down that in case the order was not communicated within a period of three months from the date of such submission and in the absence of such communication, the resolution passed by Co-operative Society

shall be effective. There is no such provision in Rule 36 in question. It only provides that within six months the Registrar shall decide the dispute, however, there is no stipulation as to the consequence as in Section 36 of the Gujarat Act.

In our opinion, not passing order within six months would not invalidate the order passed after six months. As such, no such consequence is provided in the Rule in question. Thus, the decision relied upon cannot be said to be of any application.

Apart from that, we are constraint to observe that order of the High Court is just and equitable the petitioner has dragged this matter unnecessarily for the last seven years.

In view of the aforesaid, the Special Leave Petitions are dismissed.

Pending application(s), if any, stand(s) disposed of.

(SONALI SAUND)
SENIOR PERSONAL ASSISTANT

(JAGDISH CHANDER)
COURT MASTER