

LISTED ON 14.03.2016
COURT NO. 9
ITEM NO. 4

SEC.IV-A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 29815 OF 2014

Ankur Trivedi

...Petitioners

-Versus-

State of Madhya Pradesh & Ors.

...Respondents

OFFICE REPORT FOR DIRECTION

It is submitted that the matter above mentioned was listed before the Hon'ble Court on 13.08.2015, when the Court was pleased to pass the following Order:

“This Special Leave Petition is directed against the judgment and order passed by the High Court of Madhya Pradesh, Jabalpur in W.P. No.13806 of 2014, dated 14.10.2014. The High Court while disposing of impugned judgment and order had issued the following directions:

“i) The Registrar, Cooperative Societies is free to forthwith exercise the powers under Section 53 of the Act of 1960 as amended, for supersession of the existing Board of Directors and that proceedings will have to be taken to its logical end in accordance with law by giving opportunity to all concerned. Whether by way of interim arrangement, the existing Board should be superseded forthwith and replaced by any other person(s) may be considered on its own merits.

(ii) Further, irrespective of institution or pendency of proceedings under Section 53 of the Act, the State Cooperative Election Authority shall forthwith “commence the process of conducting the elections” for installation of new Board of Directors of respondent No. 5-Society suo motu and in any case, not later than two weeks from the receipt of copy of this decision and take that election process to its logical end expeditiously within the time frame specified in the amended provisions of the Act of 1960.

(iii) The State Cooperative Election Authority shall submit compliance report about the status of election process on or before 21.11.2014. The said Authority is at liberty to approach this Court prior to that date in case it encounters any difficulty in taking the election process forward as per Rules.

17. Subject to above, the petition be treated as disposed of. However, the petition be notified under caption "Directions" for consideration of compliance report on the above matters by the concerned Authorities, on 24.11.2014."

This Court by its order dated 12.11.2014, had firstly directed the Commissioner, Cooperative Societies, Vindhyanchal Bhawan, Bhopal, M.P. and Chief Electoral Officer of the State to be present before the Court to assist the Court in passing further orders. Further, by way of an ad-interim measure, the Court had directed the Board of Directors of District Cooperative Central Bank, Panna, M.P., not to take any decision in respect of any matter including the preparation of the voters list.

Pursuant to the aforesaid direction, on the next date of hearing i.e. on 21.11.2014, Shri R.C. Ghiya, Secretary, M.P. Cooperative Election Authority and Mr. Monish Shrivastava, Registrar, Cooperative Societies, M.P. were present before this Court. This Court had issued certain directions to Shri R.C. Ghiya. Further, this Court had directed that the Board of Directors of the Bank shall not enjoy any fiscal facilities. It is also directed that Shri Monish Shrivastava, Registrar, Co-operative Societies, M.P. and Shri R.C. Ghiya, Secretary, M.P. Co-operative Election Authority shall remain present before this Court on the next date of hearing.

The matter was again taken up on 17.03.2015 by this Court. This Court felt the need of an audit of accounts of the District Co-operative Central Bank, Panna, as well as the societies who were the primary members of the District Co-operative Central Bank. The task was entrusted to the Madhya Pradesh Accountant General, Gwalior, M.P. and he was directed to submit a report after conducting the audit.

In the meantime, a Writ Petition (C) No.257 of 2015 was filed before this Court by one Sanjay Nagayach which was tagged with S.L.P.(C) No.29815 of 2014 and listed on 15.05.2015 wherein this Court had appointed Justice V.K. Agrawal, a former Judge of the High Court of Madhya Pradesh as the Court Commissioner to manage the affairs of the District Cooperative Central Bank, Panna, M.P. The Court further clarified that in view of the appointment of Justice V.K. Agrawal as the Court Commissioner, the Chairman and the Board of Directors of the Bank cease to function.

We are informed by the learned counsels representing for the parties to the lis that Justice V.K. Agrawal has taken over the affairs of the District Cooperative Central Bank.

At this stage of the proceedings, we request Justice V.K. Agrawal to hold fair and proper elections to elect the Chairman and the Board of Directors for the Bank after completion of the auditing process by the Accountant General as ordered by this Court earlier. Needless to say that Justice Agrawal will hold the elections in association with the State Cooperative Election Authorities and in accordance with the provisions of the Madhya Pradesh Cooperative Societies Act, 1960 and the Rules framed thereunder.

If for any reason, any of the parties are aggrieved by the election that may be held, they are at liberty to approach an appropriate forum for appropriate relief(s).

We may add that this order will supersede all other earlier orders passed by this Court.

With these observations, the Special Leave Petition is disposed of.

All other applications are also disposed of.

CONTEMPT PETITION (C) NO.314 of 2015
in SLP(C) No. 29815 of 2014

In view of the order passed in S.L.P. (C) No.29815 of 2014, no orders need be passed in this Contempt Petition. The same is disposed of accordingly.”

It is submitted that Hon'ble Mr. Justice V.K. Agarwal, Former Judge of the Madhya Pradesh High Court, who has been appointed as Court Commissioner by the Hon'ble Court Order 11.05.2015 has expressed his inability to continue as Court Commissioner in view of facts stated in the letter dated 05.01.2016 with reference to his earlier letter dated 07.10.2015 that his continuous physical presence is required at Panna in regard to day to day management of the District Cooperative Central Bank, Panna. He has requested in the letter that appropriate orders may be sought from Hon'ble Court in regard to appointment of some other person in his place and the same may be communicated to him. Copy of the letters dated 05.01.2016 and 07.10.2015 has already been enclosed for ready reference.

It is further submitted that paper books of Special Leave Petition have been weeded out after due preservation.

The office report for direction in the matter above mentioned was listed before the Hon'ble Court on 04.03.2016 with an office report dated 05.02.2016, when the Court was pleased to pass the following Order:

“List on 8th March, 2016.”

The office report for direction in the matter above mentioned was again listed before the Hon'ble Court on 08.03.2016 with an office report dated 05.03.2016, when the Court was pleased to pass the following Order:

“List next week.”

It is lastly submitted that no further document has been received.

The office report for direction in the matter above mentioned is listed before the Hon'ble Court for orders.

Dated this the 12th day of March, 2016.

ASSISTANT REGISTRAR

Copy to:

Ms. Abha R. Sharma, Advocate , 101, C.K. Daphtary Block

Mr. Rahul Kaushik, Advocate, 51, Lawyers Chambers

Mr. Jayant K. Mehta, Advocate, 117, C.K. Daphtary Block

Mr. Sarvam Ritam Khan, Advocate, Supreme Court Bar Association

Mr. Mohit Kumar Shah, Advocate, 207, New Lawyers Chambers

Mr. C.D. Singh, Advocate, A-394, Defence Colony, New Delhi-24

Mr. D.S. Mahra, Advocate, C/o Central Agency

ASSISTANT REGISTRAR

pc3