

ITEM NO.3

COURT NO.1

SECTION IVA

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). 29815/2014

(Arising out of impugned final judgment and order dated  
14/10/2014 in WP No. 13806/2014 passed by the High Court Of M.P  
At Jabalpur)

ANKUR TRIVEDI

Petitioner(s)

VERSUS

STATE OF M P AND ORS

Respondent(s)

(With appln. (s) for clarification and directions and exemption  
from filing O.T. and permission to file additional documents  
and permission to plead the subsequent facts, grounds & file  
addl. documents and interim relief and office report)

WITH

SLP(C) No. 31553/2014

(With Interim Relief and Office Report)

W.P.(C) No. 257/2015

(With appln.(s) for permission to file additional documents and  
appln.(s) for directions and Office Report)

CONMT.PET.(C) No. 314/2015 In SLP(C) No. 29815/2014

(With appln.(s) for exemption from filing O.T. and Office  
Report)

Date : 13/08/2015 These petitions were called on  
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)

Ms. Meenakshi Arora, Sr. Adv.

Mr. Dhinrendra Singh Parmar, Adv.

Mr. Susheel Tomar, Adv.

Ms. Abha R. Sharma, Adv.

Mr. Mohit Kumar Shah, Adv.

Mr. Rajesh Srivastava, Adv.

Mr. Sarvam Ritam Khare, Adv.  
Ms. Urvi Kuthiala, Adv.

For Respondent(s)

Mr. S.K. Dubey, Sr. Adv.  
Mr. C.D. Singh, Adv.  
Ms. Sakshi kakkar, adv.

Mr. Jayant Kumar Mehta, Adv.

Mr. Rahul Kaushik, Adv.

Mr. Ravindra Shrivastava, Adv.  
Mr. Pulkit Tare, Adv.  
Mr. C.D. Singh, Adv.  
Ms. Sakshi Kakkar, Adv.  
Mr. Mishra Saurabh, Adv.

Mr. Sudarshan Rajan, Adv.  
Mr. P. Narasimhan, Adv.

Mr. R. Balasubramanian, Adv.  
Mr. Mohan prasad Gupta, Adv.  
Ms. Sadhna Sandhu, Adv.  
Mr. D.S. Mahra, Adv.

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

S.L.P. (C) No. 29815 of 2014

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.

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.

S.L.P. (C) NO.31553 of 2014

In view of the order passed in S.L.P. (C) No.29815 of 2014, nothing survives in this special leave petition for our consideration and decision. The special leave petition is disposed of accordingly.

All other applications, if any, are also disposed of.

W.P. (C) NO.257 of 2015

Learned counsel for the petitioner, on instructions, seeks permission of this Court to withdraw this petition with liberty to approach the High Court for appropriate relief(s).

Permission sought for is granted.

The Writ Petition is disposed of as withdrawn with liberty to the petitioner to approach the High Court within a month's time from today. If such a petition is filed within the stipulated time, we request the High Court to dispose of the same on merits without reference to the period of limitation.

All other applications, if any, are also disposed of.

[ Charanjeet Kaur ]  
A.R. -cum-P.S.

[ G.V.Ramana ]  
A.R. -cum-P.S.