

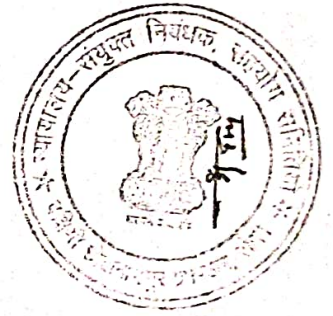
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**In The Court of Joint Registrar, Co-operative Societies
South Chhotanagpur Division, Ranchi
Misc. Case No. 16 of 2024**

Soumistha Banerjee, S/o Nihar Bindu Banerjee, R/o- H.No.271/C, Ground Floor, Road No. -1A, Argora, Ashok Nagar, P.O-Doranda, P.S-Argora, Jharkhand-834002 Petitioner.

VERSUS

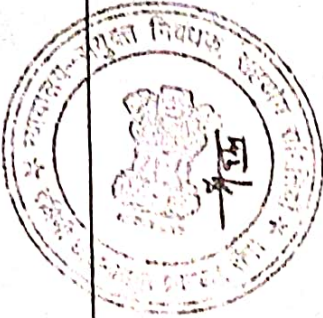
1. The Service Housing Co-operative Society, Ashok Nagar through its Chairman, having its office at Ashok Nagar, P.O-Doranda, P.S-argora, Ranchi, Jharkhand.
2. Anil Shankar, S/o not known to the Petitioner, R/o- Plit No.-42/C, Ashok Nagar, P.O-Doranda, P.S-Argora, Distt-Ranchi, Jharkhand-834002.
3. Shankar Prasad Verma, S/o- Lt. J.P. Verma, Joint Secretary, Service Housing Co-operative Society, Ashok Nagar, Ranchi (Jharkhand), R/o- Plot No.-189/C, P.O-Doranda, P.S-Argora, Jharkhand-834002 **Respondents.**



ORDER

25.04.2025 09.05.2025	The instant Miscellaneous Petition was filed u/s 48 of Jharkhand Co-operative Societies Act, 1935 before the Learned Court of The Registrar, Co-operative Societies, Jharkhand, Ranchi with following prayers : >To disqualify the election of the Respondent No.2 an 3 to the post of Secretary and Joint Secretary respectively, further to oust the Respondent No.2 and 3 from the Managng Committee of the of the
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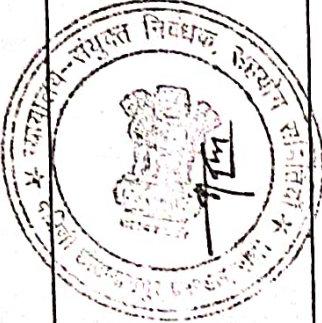
Service Housing Cooperative Society Ltd. Ashok Nagar.

>To direct the Respondent No.1 to take action on representation given to it.

After hearing this petition, It was noted by the Leaned Court of the Registrar, Cooperative Societies, Jharkhand, Ranchi that the petition was filed seeking disqualification and removal of the Respondents Nos. 2 & 3 from the Managing Committee of the Services Housing Cooperative Society Ltd. Ashok Nagar, Ranchi. After hearing on 22.08.2024, this case was transferred to this Court by the Learned Court of the Registrar, Cooperative Societies, Jharkhand, Ranchi, for further hearing and passing order.

2. The Petitioner submitted that the Respondents Nos. 2 & 3 violated the Rule 23 (3) and the Rule 24 (2) of the Jharkhand Cooperative Societies Rules, 1959 and the Clause 27-2 (d), 3-(a), (c) of the Bye-laws of the Society etc. It was stated that both the Respondents Nos. 2 & 3 have lease deeds /agreements of shops on rents with the Society. Both the Respondents have sub-allotted their shops to other persons through independent transactions, which is the violation of the lease deeds /agreements. In the view of the facts and circumstances both the Respondents No. 2 and 3 were not eligible for election to the Managing Committee of the Society, but both of the Respondents elections contested by deliberately hiding this fact. But after the election, when these facts have been exposed/raised, they are not

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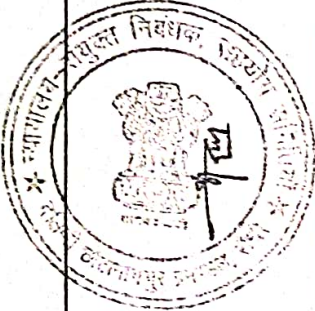
eligible to remain the members of the Managing Committee of the Society and are not entitled to hold the present posts, according to the Rule 24 (2) with read the Rule 23 (3) of the Jharkhand Cooperative Societies Rules, 1959 and the Clause 27-2 (d), 3-(a), (c) of the Bye-Laws of the Society.

3. A representation/application was given to the Respondent No.1, The Chairman of the Service Housing Co-operative Society, Ashok Nagar P.O-Doranda, P.S-argora, Ranchi, Jharkhand by the Petitioner and requested to disqualify both the Respondents and to remove from their posts due to violation of the Cooperative Societies Act, Rules and Provisions of the Bye-laws of the Society.

4. A counter affidavit/reply was filed by the Respondent No.1 (the Service Housing Co-operative Society, Ashok Nagar through its Chairman, having its office at Ashok Nagar, P.O-Doranda, P.S-argora, Ranchi, Jharkhand). It is submitted and stated by him that the Respondents Nos.2 & 3 violated the Rule 23 (3) and the Rule 24 (2) of the Jharkhand Cooperative Societies Rules, 1959 and the Clause 27-2 (d), 3-(a), (c) of the Bye-laws of the Society etc. Therefore, the Respondent No.1 supported the Petition filed by the Petitioner.

5. A prelliminary objection petition was filed on behalf of the Respondent No.2 on 20.12.2024. It was submitted that the matters which have been

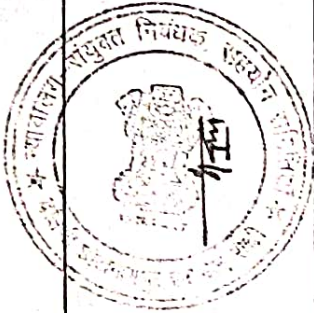
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raised in the instant petition are related to the election and election process of the Society. These types of matters should be put before the Election Officer on the scheduled date during the election process or a petition should be filed u/s 48 of the Jharkhand Cooperative Society Act, 1935 as per the Rule 21-X (अ) of Jharkhand Cooperative Societies Rules, 1959 within 30 days of the declaration of the result, The election of the Managing Committee of the Society took place on 19.06.2022 and of now, after a lapse of about 2½ years, the election dispute can be not filed/raised as per the Rules and under the Act same. It was submitted that only a copy of allotment letter of the shop is annexed along with the petition as evidence not copy of lease deed/ agreement between the Respondent No.2 and the Respondent No.1. It was submitted that the matter is related to the election dispute not a miscellaneous matter. Therefore, the instant petition /application preferred by the petitioner is fit to be dismissed.

6. A reply was filed on 17.01.2025 by the Petitioner to the preliminary objection petition which was filed on 20.12.2024 on behalf the Respondent No.2 regarding the maintainability of the petition. The learned counsel for the Petitioner and the Respondent No.1 presenting the Society, submitted that the Respondents Nos. 2 & 3 violated the Rule 23 (3) and Rule 24 (2) of the Jharkhand Cooperative Societies Rules, 1959 and

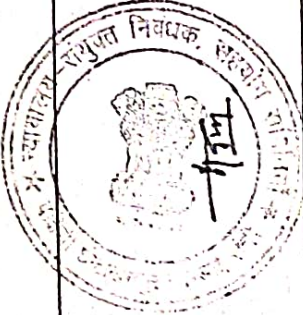
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the Clause 27-2 (d), 3-(a), (c) of the Bye-laws of the Society etc. It was stated that both the Respondents Nos. 2 & 3 have lease deeds /agreements of shops on rents with the Society. Both the Respondents have sub-allotted their shops to other persons through independent transactions, which is the violation of the lease deeds/agreements. the learned counsel for the Petitioner explained regarding to the Para-3 of the order same that it is not an election dispute but it is raised a dispute after election related to the Rule-24 (2) with reading the Rule-23 (3) of the Jharkhand Cooperative Societies Rules, 1059. In the view of the facts and circumstances both the Respondents No. 2 and 3 were not eligible for election to the Managing Committee of the Society, after election now they are not entitled to continue as members of the Managing Committee of the Society and the prayers contained in the instant petition/case are fit to be allowed.

7. This court had reached the conclusion after listening to both the parties, considering the relevant rules of the Jharkhand Cooperative Societies Rules, 1959, Section-48 of the Jharkhand Cooperative Societies Act, 1935 and the Rules-27-2(d) and 3(c) of the Bye-laws of the Society, the matter of this Petition is not an election dispute but it is a miscellaneous matter which is raised after election under the Rule 24 (2) of the Jharkhand Cooperative Societies Rules,

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1959 and the Rules-27-2(d) and 3(c) of the Bye-laws of the Society. Therefore, the Preliminary Objection Petition filed on behalf of the Respondent No.2 dated 20.12.2024 was rejected by the order dated 26.03.2025 and the Respondents were directed to file counter affidavit/reply on the next date of hearing on 15.04.2025 to the Petition filed by the Petitioner. But on the date, the Respondents Nos.2 & 3 were not appeared through their learned counsel or not themselves.

8. A last opportunity was provided /given to the Respondents Nos. 2 & 3 to file their counter affidavits/replies on the next date of hearing on 25.04.2025. Both the Respondents were warned that if they fail to file their counter affidavits /replies on the last date given of hearing, then they would not be given any more opportunity and the case record would be kept on order /orders on the basis of evidence available in the records of the Case and the arguments of the Petitioner and counter affidavit filed by the Respondent No.1. But on the last date also, the Respondents Nos.2 & 3 were not appeared through their learned counsel or not themselves. In the said situation, after hearing the arguments of the Petitioner and the Respondent No.1, the order of this case was kept reserve on dated 25.04.2025.

9. **After observing/perusing the Petition filed by the Petitioner, the counter affidavit/reply**

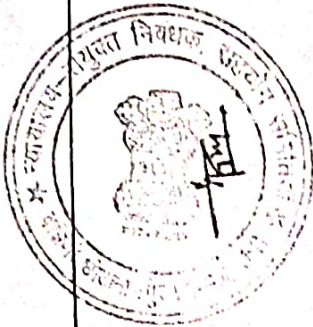
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filed by the Respondent No.1, the Chairman of the Society and evidences available in the case records and after taking/referring related references to the Rules of Jharkhand Cooperative Society, 1959 and Bye-Laws of the Society, The following facts have been revealed in the eye of this court :

- (i)** Both the Respondents Nos. 2 & 3 have made lease agreement deeds for shops with the Society, which is a subsisting business contract agreement. They have directly interest its subsisting contract deal with the society. In this conditions they were not illegible to contest the election for any post of the Managing Committee of the Society u/r-23(3) of the Jharkhand Cooperative Societies Rules, 1959 and u/r-23(1)(c) of the Jharkhand Cooperative Societies Rules, 1959, which is replaced by G.S.R. 1 Dated 01.02.1997. By hiding this fact, both of them contested elections and due to no objection at the time of nomination, they were elected to the present posts/positions.
- (ii)** But when these facts are revealed/raised, then according to the u/r-24(2) of the Jharkhand Cooperative Societies Rules, 1959 and the Clause 27-2 (d), 3-(a), (c) of the Bye-laws of the Society, they (the Respondents Nos. 2 & 3) cannot hold and continue their present posts/positions.
- (iii)** According to the Rule-23 (3) of the Jharkhand

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Cooperative Societies Rules, 1959, No person shall be eligible for election to the Management Committee, if :

"He has directly or indirectly any interest in any investment made in or any loan taken from the society, in any of the subsisting contracts done with the society or in a property purchased or sold by the society or any other transaction of the society."

(iv) According to the Rule-23(1) (c) of the Jharkhand Cooperative Societies Rules, 1959, which is replaced by G.S.R. 1 Dated 01.02.1997, No person shall be eligible for election to the Management Committee, if :

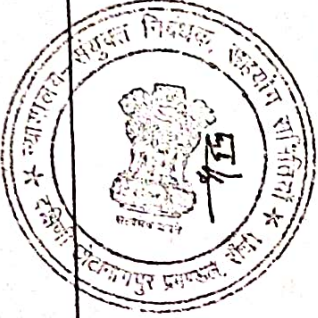
"He has directly or indirectly any interest in any subsisting contract made with the society or in any property sold or purchased by the society or in any other transaction of the society except in any investment made in or any loan taken from the society."

(v) According to the Rule-24 (2) : A member of the Management Committee shall cease to hold office, if :

"He incurs any of the disqualification mentioned in rule 8 or rule 23."

10. In the light of the facts and circumstances of the above mentioned Paragraph-9, It is the

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decision of this court that the Respondent Nos. 2 & 3 are disqualified for their present posts /position. Therefore, they cannot hold and continue their present posts/positions in the Managing Committee of the Society. The Respondents No.1 (The Chairman of the Society) is hereby ordered to remove/dismiss the Respondents Nos. 2 & 3 from their present posts/positions with immediate effect.

With the above Order and Direction the instant Miscellaneous Petition is accordingly disposed of.

Pending I.A./Petition of both the parties, if any, also stands disposed of.

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9.5.25

(K D DAS)

Joint Registrar

Memo No. 299...../Court

Dated 09...../05.1.....2025

1. Copies forwarded to both the Parties for information and compliance the order.
2. Copy forwarded to the Assistant Registrar, Cooperative Societies, Ranchi Circle, Ranchi for information and necessary action.
3. Copy forwarded to the District Cooperative Officer, Ranchi for information and necessary action.
4. Copy forwarded to the Registrar, Cooperative Societies, Jharkhan, Ranchi for information.

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(K D DAS)

Joint Registrar