
(2010) 01 JH CK 0098
In the Jharkhand High Court

Anupam Sahakari Grih Nirman Samity Ltd.	APPELLANT
Vs	
The State of Jharkhand and Others	RESPONDENT

Date of Decision : 27-01-2010

Acts Referred:

Citation : (2010) 01 JH CK 0098

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—The petitioner has challenged the order passed by the Registrar, Cooperative Societies, Jharkhand, Ranchi, in Appeal Case No. 15 of 2006, dated 8th July, 2008/14th July, 2008 at Annexure-16 to the memo of the petition mainly on the ground that the said order is an ex parte order and has been passed by the Registrar, Cooperative Societies, in absence of learned Counsel for the petitioner.

2. Learned Counsel for the petitioner has submitted that the order-sheet which is at Annexure-13, reveals that on every date, the matter was adjourned. Looking to the Annexure-13 to the petition, last date of adjournment was 17th June, 2008 and it has been written in the order-sheet that learned Counsel for the petitioner was present and the matter is adjourned on 8th June, 2008. It appears that though the matter was adjourned on 8th June, 2008, and the order was passed on 8th July, 2008 by the Registrar, Cooperative Societies, Jharkhand Ranchi, in Appeal Case No. 15 of 2006, which was completed on 14th July, 2008 and the petitioner could not remain present because wrongly a date was given as 8th June, 2008 on 17th June, 2008. It appears that there was some error for grant of the date, but, nonetheless, the fact remains that a correct date of hearing was never given on 17th June, 2008, and, therefore, the petitioner's Counsel could not remain present, on the next date of hearing and abruptly an order has been passed by the Registrar, Cooperative Societies, Jharkhand, Ranchi on 8th July, 2008 at Annexure-16 of the memo of the petition and, therefore,

this order deserves to be quashed and set aside and the matter may be remanded for its afresh decision by the Registrar, Cooperative Societies, State of Jharkhand, Ranchi, after giving an adequate opportunity of being heard to the petitioner in Appeal Case No. 15 of 2006.

3. I have heard learned Counsel for the respondents, who has mainly submitted that looking to the order annexed at Annexure-13 to the memo of petition, it appears that there was some error committed by the appellate authority on 17th June, 2008, and no adjournment could have been given on 8th June, 2008. Thus, incorrect date of adjournment was given. Nonetheless, the fact remains that correct date of adjournment was never given, thereafter and the impugned order has been passed on 8th July, 2008 and, therefore, let the matter be remanded for its afresh decision by the Registrar, Cooperative Societies, after giving an adequate opportunity of being heard to both the parties.

4. In view of this limited submission and looking to the order-sheet at Annexure-13, it, prima facie, appears that the Registrar, Cooperative Societies, had given adjournment in Appeal Case No. 15 of 2006 on 17th June, 2008 as 8th June, 2008. In fact, this date could not have been altered, unilaterally and without informing the parties to Award Case by the Registrar, Cooperative Societies. The impugned order has been passed at Annexure-16, dated 8th July, 2008/14th July, 2008. Thus, a correct date of adjournment was never given to the petitioner looking to the Annexure-13 of the memo of petition and, therefore, the petitioner was not aware that on which next date, hearing will take place of Appeal Case No. 15 of 2006, by the Registrar, Cooperative Societies.

5. It is also alleged by learned Counsel for Respondent No. 4 in the counter-affidavit that so-called hearing was taken place on 18th June, 2006, which has been denied by learned Counsel for the petitioner and looking to this controversy and also looking to the impugned order, it appears that order has been passed on 8th July, 2008 and it was ended on 14th July, 2008 looking to the impugned order at Annexure-16 of the memo of petition. Thus, no correct date of the hearing was given. All have gone with1 presumption about the next date of hearing.

6. In view of these facts, I hereby quash and set aside the order passed by the Registrar, Cooperative Societies, Jharkhand, Ranchi, in Appeal Case No. 15 of 2006 at Annexure-16 to the memo of petition as no adequate opportunity of being heard was given to the petitioner and after giving incorrect date of hearing on 17th June, 2008, no correct date of adjournment was ever given thereafter. I also direct the petitioner to remain personally present before the Registrar, Cooperative Societies for hearing of Appeal Case No. 15 of 2006, preferred by the respondents at 11:30 a.m. on 22nd February, 2010. The petitioner shall cooperate the hearing of the appeal. Similarly, respondents will also remain present before the Registrar, Cooperative Societies at 11:30 a.m. on 22nd February, 2010 and thereafter the Registrar, Cooperative Societies, Jharkhand, Ranchi is permitted to give further date of hearing as per his own time-table and

schedule so that Appeal Case No. 15 of 2006, can be disposed of, afresh, in accordance with law as expeditiously as possible and practicable and without being influenced by order dtd. 8th July, 2008/14th July, 2008.

7. In view of the aforesaid directions, this writ petition is allowed and disposed of.