
(2018) 01 RAJ CK 0045
In the Rajasthan High Court
Case No : 151 of 2017

Indu Choudhary

APPELLANT

Vs

State of Rajasthan & Ors

RESPONDENT

Date of Decision : 23-01-2018

Acts Referred:

[Rajasthan Rent Control Act, 2001](#), [Section 30\(1\)\(b\)](#)

Citation : (2018) 01 RAJ CK 0045

Hon'ble Judges : M.N.Bhandari

Bench : Single Bench

Advocate : Saransh Saini, Suman Choudhary, Nikhil Simlote, RB Mathur, HC Kandpal, GS Gill

Judgement

1. With the consent of learned counsel for the parties, the writ petition is heard finally.
2. By this writ petition, a challenge is made to the order dated 30th November, 2016, by which, an Administrator has been appointed on the Rajasthan State Cooperative Union. The Administrator has been appointed precisely for the reason that only seven directors exist, whereas, required quorum for a meeting is of eight directors. In absence of quorum, the meeting of the directors cannot take place.
3. Learned counsel for the petitioner submits that constitution of the society provides for fifteen members, out of which, three have been nominated by the government and one is the Chief Executive Officer and eleven have to be elected. Out of eleven members, election earlier took place for ten members only.
4. In view of the above, strength of the Directors of Cooperative Society should

be taken as fourteen. In view of the above, there exists quorum to hold the meeting of Directors. It is, however, admitted that if total strength as given in the Constitution is taken then eight Directors are required to complete the quorum, which does not exist.

5. Learned counsel for the petitioner has criticised the respondents for not holding election in time and, thereby, working of the Cooperative Society is affected. The elections are required to be conducted for primary as well as apex body.

6. I have considered the submissions made by learned counsel for the petitioner and perused the record.

7. The perusal of the impugned order reveals that as per the Constitution of Cooperative Society, minimum eight Directors are required for the quorum. It is admitted that only seven Directors exist presently, out of which, three are nominees of the Government and one is the Chief Executive Officer.

8. A dispute about strength has been raised, however, as per the Constitution, strength of the apex body is of fifteen Directors. It cannot be reduced only for the reasons that election for one Director did not take place.

9. Learned counsel for both the parties admit that in absence of election, work of Cooperative Society may affect thus a direction for election of primary and apex body needs to be given, that too, it should be conducted at the earliest.

10. In view of the above, I do not find any ground to cause interference in the impugned order, rather, it has been passed in the facts and circumstances of the case where the Cooperative Society cannot work in absence of required quorum, as per the Constitution. The appointment of Administrator in those circumstances cannot be interfered when it is under Section 30(1) (b) of the Act of 2001, however, this writ petition is disposed of with the direction to the respondents to hold election of primary and apex body at the earliest and, preferably, within a period of two months from the date of receipt of copy of this order.