
(2022) 11 MP CK 0042
In the Madhya Pradesh High Court
Case No : Writ Petition No. 25387 Of 2022

Kamlesh Jain And Others

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 09-11-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Multi-State Co-Operative Societies Act, 2002 — Section 78, 84

Citation : (2022) 11 MP CK 0042

Hon'ble Judges : Vivek Agarwal, J

Bench : Single Bench

Advocate : Harshawardhan Singh Rajput, Ankit Mishra

Final Decision : Disposed Of

Judgement

Vivek Agarwal, J

Petitioners, who are 18 in number, have filed this petition under Article 226 of the Constitution praying for following reliefs :-

(a) To direct the respondent Nos.1 and 2 to initiate inquiry against the respondent Nos.8 & 9 as prescribed under the Multi-State Co-operative Society Act, 2002 and to ensure that all payment which is due shall be paid as soon as possible to the investors/creditors.

(b) To direct the respondent Nos.3 to 5 to initiate an investigation into the whole matter and finish it in a time bound manner and also to attach all properties, both movable and immovable of the private respondents within their jurisdictional authority so as to make the money of investors/creditors more secure.

(c) To direct the respondent Nos.1 to 4 to money the amount of the investors/creditors which has already reached its maturity date along with the interest on delayed payment.

(d) To pass such other orders as it may deem fit under the circumstances of the case including orders as to the cost of this writ petition.

P e t i t i o n e r s claiming themselves to be field workers/agents/investors/creditors of Central Co-operative Societies i.e. respondent Nos.7 to 10 registered under the Multi-State Co-operative Societies Act, 2002 ("the Act of 2002" for brevity) before this Court raising grievance that in the capacity as depositors, they tendered certain deposits with the respondent-societies No.6 to 8 with the assurance that they will get back maturity amount in multiplied form, but to no avail.

Various complaints have been made by the petitioners to the Central Registrar, but these have not invoked any response.

The Act of 2002 provides for an inquiry to be conducted by the Central Registrar under Section 78 on the request made by the mother cooperative society or creditor or not less than one-third of the members or not less than one-fifth of the total number of members of the Multi-State Cooperative Societies into any dispute which relates to the constitution, working and financial condition of the society.

Another avenue in the shape of Section 84 is created by the Act of 2002 for settlement of disputes which pertains to all disputes except service dispute touching the subject of constitution, management or business of the Multi-State Cooperative Societies. The only difference between Section 78 and 84 appears to be that Section 84 is adjudicatory in nature while Section 78 is predominantly administrative.

After hearing learned counsel for rival parties and perusing the documents on record, it is obvious that the dispute raised by the petitioners relates to the subject matter of the management and business of the society, therefore, needs to be looked into by the Central Registrar.

Accordingly, this Court declines to interfere on merits and disposes of this petition with following directions:-

(i) If petitioners prefer fresh representation along with all r e l e v a n t documents and copy of this order to the respondents/competent authority within a period of 30 days from the date of passing of this order, then the said Authority shall consider and decide the same in accordance with law by passing a speaking order within a further period of 60 days and communicate the outcome to petitioner as expeditiously as possible.

(ii) It is needless to emphasize that in case the petitioners' grievance is found to be genuine, then the relief due in accordance with law be afforded to them without compelling them to revisit the Court.