

ITEM NO.9

COURT NO.11

SECTION III

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).1267/2019

(Arising out of impugned final judgment and order dated 20-08-2018 in SCA No. 12317/2018 passed by the High Court of Gujarat at Ahmedabad)

ADARSH CREDIT CO OPERATIVE SOCIETY LTD

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

(WITH I.R. and IA No.9141/2019-CONDONATION OF DELAY IN FILING and IA No.9143/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

Diary No(s). 1297/2019 (III)

(WITH I.R. and IA No.8975/2019-CONDONATION OF DELAY IN FILING and IA No.8977/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 1269/2019 (III)

(WITH I.R. and IA No.9564/2019-CONDONATION OF DELAY IN FILING and IA No.9565/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 18-02-2019 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.  
Mr. Arvind P. Datar, Sr. Adv.  
Mr. Udit Gupta, Adv.  
Mr. Masoom Shah, Adv.  
for M/s. Udit Kishan And Associates

For Respondent(s)

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).1267/2019

Delay condoned.

Since the pronouncement of the impugned judgment of the Division Bench of the High Court of Gujarat dated 20 August 2018, the Court has been apprised that an order of

winding up was passed on 6 December 2018.

Mr. Kapil Sibal, learned senior counsel appearing on behalf of the petitioner states that the petitioner does not seek any stay on the order of winding up.

The challenge to the constitutional validity of Section 86 of the Multi-State Cooperative Societies Act, 2002 is on the ground that the power to wind up a multi-State cooperative society is entrusted exclusively to the Central Registrar without any judicial intervention. It was further submitted that even under Section 99 (read together with Rule 31 of the Rules framed under the Act), an appeal lies to the Joint Secretary to the Government of India.

Issue notice returnable in six weeks.

It is clarified that the pendency of these proceedings shall not operate as any stay on the order of winding up or the necessary consequences which arise from the passing of such an order.

Diary No(s). 1297/2019 & Diary No(s). 1269/2019

Tag with SPECIAL LEAVE PETITION (CIVIL) Diary No(s).1267/2019.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER