



The Chhattisgarh Co-Operative Societies (Amendment) Act, 2002

Act 33 of 2002

Keyword(s):

Central Society, Development Bank

Amendments appended: 20 of 2003, 22 of 2004

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छत्तीसगढ़ अधिनियम

(क्रमांक 33 सन् 2002)

छत्तीसगढ़ सहकारी सोसाइटी (संशोधन) अधिनियम, 2002

छत्तीसगढ़ सहकारी सोसाइटी अधिनियम, 1960 को और संशोधित करने हेतु अधिनियम

भारत गणराज्य के 53वें वर्ष में छत्तीसगढ़ विधान मण्डल द्वारा निम्नलिखित रूप में यह अधिनियम अर्थात् :—

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| संक्षिप्त नाम तथा प्रारंभ. | 1. (एक) इस अधिनियम का संक्षिप्त नाम छत्तीसगढ़ सहकारी सोसाइटी (संशोधन) अधिनियम (क्र. 33 सन् 2002) है. |
| | (दो) यह छत्तीसगढ़ राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगा. |
| धारा 49 का संशोधन | 2. छत्तीसगढ़ सहकारी सोसाइटी अधिनियम, 1960 (क्रमांक 17 सन् 1961) की धारा 49 की उपधारा (7) में शब्द "चारह मास" के स्थान पर शब्द "चौबीस मास" स्थापित किये जाएं |

रायपुर, दिनांक 13 नवम्बर 2002

क्रमांक 7082.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में छत्तीसगढ़ सहकारी सोसाइटी (संशोधन) अधिनियम 2002 (क्र. 33 सन् 2002) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सी. बी. वाजपेयी, उप-या.

CHHATTISGARH ADHINIYAM
(No. 33 of 2002)

THE CHHATTISGARH CO-OPERATIVE SOCIETIES (AMENDMENT)
ADHINIYAM, 2002

An Act further to amend the Chhattisgarh Co-operative Societies Act, 1960.

Be it enacted by the Chhattisgarh Legislature in the Fifty-third year of the Republic of India as follows :—

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| Short title and Commencement. | 1. (i) This Act may be called the Chhattisgarh Co-operative Societies (Amendment) Adhiniyam, 2002 (No. 33 of 2002). |
| | (ii) It shall come into force on the date of its publication in the Chhattisgarh Gazette. |

2. In Sub-section (7-AA) of Section 49 of the Chhattisgarh Co-operative Societies Act, 1960 (No. 17 of 1961) for the words "twelve months", the words "twenty four months" shall be substituted. Amendment of Section 49.

- प्रकाश. 9. छत्तीसगढ़ सहकारी सोसाइटी अधिनियम, 1960 (क्र. 17 सन् 1961) में शब्द "मध्यप्रदेश भूमि विकस वैंक अधिनियम, 1966 (क्र. 26 सन् 1966)" जहाँ कहीं भी वह आया हो शब्द "छत्तीसगढ़ सहकारी कृषि और ग्रामीण विकास वैंक अधिनियम, 1999 (क्र. 20 सन् 2000)" स्थापित किया जाए.
- निरसन. 10. छत्तीसगढ़ सहकारी सोसाइटी (संशोधन) अध्यादेश, 2003 (क्र. 4 सन् 2003) एतद्वारा निरस्त किया जाता है.

रायपुर, दिनांक 9 सितम्बर, 2003

क्रमांक 5596/21-अ/प्रारूपण/03.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में छत्तीसगढ़ सहकारी सोसाइटी (संशोधन) अधिनियम, 2003 (क्र. 20 सन् 2003) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सी. बी. बाजपेयी, उप-सचिव.

CHHATTISGARH ACT

(No. 20 of 2003)

THE CHHATTISGARH CO-OPERATIVE SOCIETIES (SANSHODHAN)
ADHINIYAM, 2003

An Act to further to amend the Chhattisgarh Co-operative Societies Act, 1960
(No. 17 of 1961).

Be it enacted by the Chhattisgarh Legislature in the Fifty-Fourth year of the
Republic of India as follows :-

Short title and
Commencement.

1. (1) This Act may be called the Chhattisgarh Co-operative Societies (Amendment)
Act, 2003 (No. 20 of 2003).

(2) It shall come into force from the date of its publication in the official Gazette.

Amendment of
Section 2.

2. In Section 2 of the Chhattisgarh Co-operative Societies Act, 1960 (No. 17 of 1961)
(hereinafter referred to as the Principal Act) :-

(a) For the clause (c-i) the following clause shall be substituted, namely :-

(c-i) "Central Society" means a District Co-operative Agriculture and Rural
Development Bank or any other society, whose area of operation is
confined to a part of the State and which has as its object the
promotion of the objects of the member societies, and which has
atleast five societies as its members;"

(b) For the clause (ih) the following clause shall be substituted, namely :-

"(ih) "Development Bank" means a District Co-operative Agricultural and

Rural Development Bank or the Chhattisgarh State Co-operative Agriculture and Rural Development Bank registered or deemed to be registered under this Act;"

- (c) In clause (1) for the words "Land Mortgage Bank" the words "Development Bank" shall be substituted;
- (d) Clause (cc) shall be omitted.
3. After Sub-section (1) of Section 16 (C) of the Principal Act, the following proviso shall be inserted, namely :-
- Amendment of Section 16 (C).
- "Provided that in case of a Co-operative Bank, prior sanction in writing of the Reserve Bank shall be necessary."
4. In the Section 48 of the Principal Act,-
- Amendment of Section 48.
- For clause (ii) and proviso of Sub-section (5), the following clause and proviso shall be substituted, namely :-
- "(ii) One shall be hold, if the chairman is not elected from amongst persons belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, by a persons belonging to these categories and otherwise, by any person;
- Provided that in case of such resource society other than a Nagrik Co-operative Bank or Urban Co-operative Credit Society or thrift society, operating in a Scheduled area, the chairman or president shall be elected only from amongst persons belonging to Scheduled Tribes."
5. In the Section 49 of the Principal Act,-
- Amendment of Section 49.
- In Sub-section (7-AA), the word "Twenty four" shall be substituted by the word "Thirty six".
6. In Sub-section (3) of Section 58-B of the Principal Act for the word "Tribunal" the words "State Government" shall be substituted.
- Amendment of Section 58-B.
7. For the Chapter X- Constitution of Tribunal- The following chapter shall be substituted, namely :-
- Substitution of Chapter X.

Chapter X - Appeals, Revision and Review

77. **Appeal.**—(1) Save where it has been otherwise provided, an appeal shall lie from every original order under this Act or the rules made there under,-

- (i) if such order is passed by an officer other than Registrar, Additional Registrar or Joint Registrar, whether or not the Officer passing the order is invested with the powers of the Registrar, to the Joint Registrar;
- (ii) if such order is passed by Joint Registrar, whether or not invested with the powers of Registrar, to the Registrar or the Additional Registrar authorised by Registrar;
- (iii) if such order is passed by Registrar or Additional Registrar, to the State Government.

(2) Save as otherwise provided a second appeal shall lie against every order made in first appeal under this Act or the rules made there under:-

- (i) by the Joint Registrar to the Registrar or the Additional Registrar authorised by the Registrar;
- (ii) by the Registrar or Additional Registrar to the State Government.

(3) A second appeal shall lie on any of the following grounds, and no other, namely :-

- (i) that the order is contrary to law; or
- (ii) that the order has failed to determine some material issue of law; or
- (iii) that there has been a substantial error or defect in the procedure as prescribed by this Act which may have produced error or defect in the decision of the case on merits.

(4) Every appeal shall be presented in the prescribed manner to the appellate authority concerned, within thirty days of the date on which the order appealed against was communicated to the party affected by the order;

Provided that in computing the period of limitation under this sub-section the time requisite for obtaining a copy of the order appealed against shall be excluded.

78. Revision.—(1) The State Government or the Registrar may at any time on its/ his motion or on the application made by any party for the purpose of satisfying itself/ himself as to the legality or propriety of the followings may pass such order in reference thereto as it/he think fit,-

- (i) any inquiry or proceedings or any order passed by any officer subordinate to it/him;
- (ii) any proceedings or decision or resolution or any order passed by the society or committee or sub-committee of society;
- (iii) any inquiry or proceedings or decision or any order passed by any officer of any society;

Provided that no order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

(2) No such application shall be entertained unless presented within thirty days from the date of order and in computing the period aforesaid time requisite for obtaining a copy of the said order shall be excluded.

79. No appeal or revision in certain cases.—Notwithstanding anything to the contrary contained in this Act, where with previous sanction in writing or on the requisition of the Reserve Bank of India,

- (i) an order for the winding up of a co-operative bank is made; or
- (ii) a scheme of compromise or arrangement or reconstruction or re-organisation or amalgamation is made or is given effect to; or
- (iii) an order for the supersession or suspension of the committee by whatever name called of a co-operative bank and the appointment of an officer incharge etc

thereof has been made.

no appeal, revision or review there against shall be or be permissible, and such order or the sanction or requisition of the Reserve Bank or India shall not be liable to be called in question.

80. Review.—The State Government or Registrar may, on his/his own motion, or on the application of any party interested, review its/his own order in any case and pass such order in reference thereto as it/he thinks just:

Provided that, no such application made by the party interested shall be entertained, nor such a case be taken Suo-motu, unless the State Government or Registrar is satisfied that there has been the discovery of new and important matter of evidence which, after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made, or that there has been mistake or error apparent on the face of the record, or there is any other sufficient reason;

Provided that no such order shall be varied amended or revised, unless notice has been given to the parties interested to appear and such interested parties have been heard.

Provided further that application for review of any order, by the parties interested shall not be entertained, unless the application is filed within ninety days from the passing of the order.

80-A. Extension of period of limitation by appellate authority in certain cases.—In all cases in which it is provided under this Act that an appeal may be filed against any decision or order within a specified period, the appellate authority may admit an appeal after the expiry of such period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

80-B. Transfer or withdrawal of cases.—Subject to the provisions of section 77 and 78, the Registrar, Additional Registrar, Joint Registrar, or the Deputy Registrar may make over any case or class of cases arising under the provisions of this Act, for decision from his own file to any officer subordinate to him competent to decide such case or class of cases or may withdraw any case or class of cases from any such officer and may deal with such case or class of cases himself or refer the same for disposal to any other officer subordinate to him and competent to decide such case or class of cases;

80-C. Power to make interlocutory orders.—When an application for appeal, revision or review is made to State Government, or Registrar under this Act, it may in order to prevent the ends of justice being defeated, make such interlocutory orders pending the decision of the appeal or application, as the case may be, as may appear to it/him to be just and convenient, or make such orders as may be necessary for the ends of justice; or to prevent the abuse of the legal procedure.

80-D. Stay of execution of orders.—

(1) An officer who has passed any order or his successor in office may, at any time before the expiry of the period prescribed for appeal or revision, direct the execution of such order to be stayed for such time as may be required for filing an appeal or revision and obtaining a stay order from the appellate or revisional authority.

(2) The authority exercising the powers conferred by section 77, section 78 or section 80 may direct the execution of the order under appeal or revision or review to be stayed for such time as it may think fit.

(3) The officer or authority directing the execution of an order to be stayed may impose such conditions or order such security to be furnished as he or it thinks fit.

80-D. Transfer of pending cases.— Every appeal or revision or any other proceeding pending before the Madhya Pradesh State Co-operative Tribunal under the Principal Act, shall stand transferred to the State Government on the date on which the Chhattisgarh Co-operative Societies (Amendment) Act, 2003 comes into force.

80-F. Any officer or any authority shall exercise such powers, delegated to the State Government by or under this Act, in such areas and in such cases as the State Government may direct by special or general order.

Amendment of
Section 95.

8. In Sub-section (2) of Section 95 of the Principal Act,—

For clause (gg) following clause shall be substituted, namely :—

"(gg) prescribe the procedure to be followed in presenting and disposal of appeals, revision and review."

Miscellaneous.

9. In the Chhattisgarh Co-operative Society Act, 1960 (No. 17 of 1961) wherever, the words "Madhya Pradesh Land Development Bank Adhiniyam, 1966 (No. 28 of 1966)" occur the words "The Chhattisgarh Co-operative Agriculture and Rural Development Bank Adhiniyam, 1999 (No. 20 of 2000)" shall be substituted.

Repeal.

10. The Chhattisgarh Sahakari Society (Amendment) Ordinance, 2003 (No. 4 of 2003) is hereby repealed.

CHHATTISGARH ACT
(No. 22 of 2004)

THE CHHATTISGARH CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2004

An Act to further to amend the Chhattisgarh Co-operative Societies Act, 1960 (No. 17 of 1961).

Be it enacted by the Chhattisgarh Legislature in the Fifty-fifty year of the Republic of India as follows :-

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| 1. | (1) This Act may be called the Co-operative Societies (Amendment) Act, 2004 (No. 22 of 2004). | Short title and commencement. |
| | (2) It shall come into force from the date of its publication in the Official Gazette. | |
| 2. | In Section 49 of the Chhattisgarh Co-operative Societies Act, 1960 (No. 17 of 1961) (hereinafter referred to as the principal Act) :- | Amendment of Section 49. |
| | (1) Sub section (7-AA) and (7-AAA) shall be omitted. | |
| | (2) Sub section (8) (i) and (ii) the following shall be substituted :- | |

"(8) If the elections are not held before the expiry of the term specified in sub-section (7-A) or the extended term under deleted herein before sub-section (7-AA), all the members of the committee shall be deemed to have vacated their seats and the powers of the committee shall be deemed to have been vested in the Registrar and the Registrar shall hold elections as early as possible.

Provided that the Registrar may authorize any officer to exercise the powers of the committee vested in him under this sub-section and the officer so authorized shall exercise such powers from the date of such authorization."