

Before the Cooperative Officer (Housing) Puducherry
Government of Puducherry
Cooperative Department (Housing Section)
V.V.P.Nagar, Thattanchavady Post, Puducherry – 605009.

NMD No. 3 of 2018

Present: M.Moganaradjou
Cooperative Officer (Housing)

P.Susila (Member No.316)

W/o. Perumal

No.51, Pillaiyar koil street, Sandaipudukuppam,
Sutthukeny P.O., Mannadipet Commune, Puducherry.

>>> Petitioner

Vs.

M.Lakshmi (Member No.569)

W/o. Masilamani,

Pillaiyar koil street, Sandaipudukuppam,
Sutthukeny P.O., Mannadipet Commune, Puducherry.

>>> Respondent

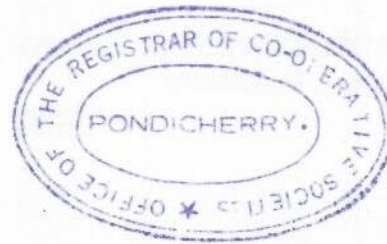
ORDER

*(Issued under Section 84 of the Puducherry Coop. Societies Act, 1972
read with Rule 64 of the Puducherry Cooperative Societies Rules, 1973)*

The above-named petitioner filed this dispute, dated **24.07.2018**, under Section 84 of the Puducherry Cooperative Societies Act, 1972 (**for short "the Act"**), challenging the election of the respondent to the committee of management (**for short the "committee"**) of the Sandaipudukuppam Cooperative Milk Producers Society Ltd., No.P.369, (**for short the "society"**), which was admitted for adjudication.

2) The respondent was elected as a member of the committee in the election held on **23.05.2018** to hold office for a period of three (3) years, commencing from 01.07.2018 to 30.06.2021. The petitioner also contested in the said election but didn't succeed.

3) The one and only allegation of the petitioner is "the respondent availed loan from the Lilly Women Self-Help Group (**for brevity the "SHG"**) and committed default in repayment. She remitted Rs.1,02,952/- on the date of the said election. As such, the respondent incurred disqualification to contest in the said election".



4) The respondent filed her written statement dated **24.09.2018**. The "Lilly Women Self-Help Group" furnished a letter dated **20.09.2018**, wherein it was confirmed that, the respondent didn't have any loan dues as on **15.05.2018** payable to their self-help group. The said SHG obtained loan from the Sandaipudukuppam Primary Agricultural Cooperative Credit Society Ltd., No.P.135, and hence, the Administrator of the said credit society furnished a letter dated **27.09.2018**, wherein it was confirmed that, the respondent didn't have any loan dues as on **14.05.2018** payable to the said credit society. The petitioner filed her rejoinder dated **15.10.2018**.

5) The moot question in this dispute is "whether the respondent incurred disqualification to conduct in the said election". Section 34 of the Act provides "Disqualifications for membership of committee".

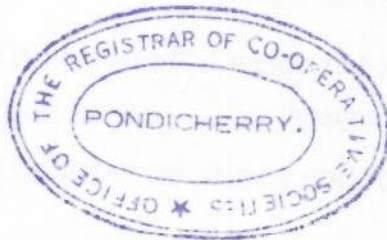
Section 34(1)(b)(i) of the Act is reproduced here under:-

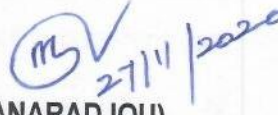
"No person shall be eligible for being elected or appointed as a member of a committee if he is in default to the society or to any other registered society or if he is a representative of a society, which is in default to the financing bank or to any other registered society, in respect of any sum of money due by him or by the society, which he represents, for a period exceeding three months".

6) The term "default", as mentioned in the said Section, is restricted to registered cooperative societies. The allegation of default committed by the respondent in the said SHG cannot be equated with the default in the said Act. The said SHG is not a registered cooperative society, and hence, default committed by the respondent, if any, in the said SHG didn't and doesn't debar her from contesting in the elections to the committee of registered cooperative societies.

7) In view of the above, this dispute lacks merits, and hence, **I dismiss this dispute**. No costs.

Order pronounced in the Open Court on **27th day of November 2020**.




(M.MOGANARADJOU)
Cooperative Officer (Housing)

To:

- (1) The Petitioner
- (2) The Respondent

Copy to:

- (1) The Dairy Development Officer, Coop. Dept., Puducherry.
- (2) The Web Editor, Coop. Dept., Puducherry.

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