

Case Name:- Cosmopolitan Club (R) v. District Registrar of Coop. Societeis

Citation:- 2024 SCC OnLine Kar 10024

Link:- <http://www.sconline.com/DocumentLink/yjdD7gXE>

Judgement:- <https://share.google/yHsVqglZSC5RIUXCZ>

Summary and Conclusion:-

The background of the case Cosmopolitan Club (R) v. District Registrar of Co-Operative Societies (2024) involves a legal effort by the club's management to adjust the timeline for their internal elections and annual meetings.

1. The Request for Extension

The dispute began in March 2024, when the Cosmopolitan Club (located in Jayanagar, Bengaluru) submitted a representation to the District Registrar.

The Club was seeking permission to extend the dates for conducting its Annual General Body Meeting (AGM) and the election of its Managing Committee.

This is a common legal step for societies in Karnataka to ensure their elections remain valid under the Karnataka Societies Registration Act when they cannot meet the standard statutory deadlines.

2. The Legal Filing

When the District Registrar did not immediately act on their request, the Club filed a Writ Petition in the High Court of Karnataka. They were seeking a Writ of Mandamus a court order to compel the Registrar to formally consider and decide on their request for an extension.

3. Change in Circumstances

While the court case was still in its early stages, the internal situation at the Club progressed. The management decided to move forward and scheduled the AGM and Elections for May 5, 2024.

4. Why the Case Ended

Because the Club had already set the election date, the legal "emergency" that prompted the petition no longer existed. The specific request to force the Registrar to look at the extension became infructuous (legally moot).

Consequently, the Club's counsel filed a memo to withdraw the petition. The High Court allowed this withdrawal but granted the Club the liberty to file a fresh petition later if any new legal challenges arose regarding the conduct of the May 5th elections or the Registrar's involvement.

The final document you provided, Cosmopolitan Club (R) v. District Registrar of Co-Operative Societies (2024 SCC OnLine Kar 10024), concludes with the High Court of Karnataka disposing of the petition as withdrawn.

Summary of the Court's Order:

Withdrawal Granted: The Court permitted the petitioner (Cosmopolitan Club) to withdraw the Writ Petition.

Liberty to Refile: The petitioner was granted the "liberty" to file a fresh, more comprehensive petition in the future if necessary.

Final Status: The case was closed without a ruling on the merits because the petitioner filed a formal "memo" seeking to end the current proceedings.

Why the Case was Withdrawn:

The background reveals a practical reason for the withdrawal:-

Original Goal: The Club initially filed the petition to force the District Registrar to consider a representation from March 2024. They specifically wanted to extend the dates for their Annual General Body Meeting (AGM) and elections.

Subsequent Development: While the case was pending, the situation changed the Club itself declared a new date for the election and AGM (May 5, 2024).

Redundancy: Because the election dates had been set, the specific relief they were asking for in this petition was no longer needed in its current form. The Club's counsel decided it was better to withdraw this petition and keep the option open to file a new one if any fresh legal issues arose regarding the newly scheduled election.

Case Name:- Cosmopolitan Club v. Dy. Registrar of Coop. Societies

Citation:- 2025 SCC OnLine Kar 28411

Link:- <http://www.sconline.com/DocumentLink/j12pkxJv>

Judgement:- <https://share.google/b8lfXQkh6ckScnZv8>

Summary and Conclusion:-

The background of Cosmopolitan Club v. Dy. Registrar of Co-Operative Societies (2025) involves a legal dispute over the procedures of an official inquiry into the club's affairs under the Karnataka Societies Registration Act, 1960.

1. The Section 25 Enquiry

An inquiry was initiated against the Cosmopolitan Club under Section 25 of the Karnataka Societies Registration Act. This section allows the Registrar to investigate the constitution, working, and financial condition of a registered society.

2. The Initial Report and Registrar's Dissatisfaction

An Enquiry Officer was appointed and initially submitted a report to the Registrar. However, the Registrar reviewed the report and determined it was not conducted properly. Specifically, the Registrar was of the opinion that there were certain aspects that required "further enquiry" due to shortcomings in the original investigation.

3. Appointment of a New Officer

Because the original Enquiry Officer had been transferred in the interim, the Deputy Registrar (Respondent No. 1) issued an order on September 23, 2025, appointing a new Enquiry Officer (the Assistant Registrar) to take over the matter and conduct the further investigation.

4. The Club's Legal Challenge

The Cosmopolitan Club filed a Writ Petition to challenge this new appointment and the subsequent notice for further enquiry. Their primary legal arguments were:

Non-Disclosure: They contended that the Registrar was legally required to furnish a copy of the initial enquiry report to the club before ordering any further investigation.

Procedural Fairness: They argued that a further enquiry could not be ordered without the club first seeing the findings of the first report.

5. The Core Legal Issue

The case turned on a procedural question: Does a society have a right to see an inquiry report that the Registrar has already rejected as insufficient? The High Court ultimately ruled against the club, finding that the Registrar has the administrative "prerogative" to order a fresh or further inquiry if they find the initial one lacking, and that there is no legal obligation to share a report that has not yet been accepted by the authorities.

Cosmopolitan Club represented by its Honorary Secretary Sri M.R. Sanjay v. Dy. Registrar of Co-Operative Societies and Another (2025 SCC OnLine Kar 28411), concludes with the High Court of Karnataka dismissing the Writ Petition.

Summary of the Court's Order:

Petition Dismissed: The Court found no grounds to interfere with the actions of the Registrar and dismissed the challenge brought by the Cosmopolitan Club.

Validation of Fresh Enquiry: The Court upheld the Registrar's decision to appoint a new Enquiry Officer and conduct further investigation, ruling that the Registrar has the prerogative to do so if the initial enquiry report is found to have shortcomings.

The Court's Reasoning:

The petitioner (the Club) challenged the Registrar's decision to order a "further enquiry" and appoint a new Enquiry Officer without first providing them with a copy of the initial enquiry report. The Court rejected this argument based on the following:

Registrar's Prerogative: Under Section 25 of the Karnataka Societies Registration Act, 1960, the Registrar has the authority to either conduct an enquiry personally or appoint someone else. If the Registrar is not satisfied with a submitted report due to "shortcomings," they are legally open to ordering a further enquiry.

No Requirement to Share Incomplete Reports: The Court cited a previous ruling (W.P. No. 104203/2025) which concluded that if a Registrar does not accept a report, they are not required to communicate that report to the concerned society before ordering a new investigation.

No Legal Infirmary: The Court found nothing wrong with the appointment of the fresh Enquiry Officer at Annexure-H or the subsequent notice at Annexure-J, as these were considered lawful steps in the administrative process.