

# Rajasthan State Co-operative Tribunal Regulation 2013

RAJASTHAN

India

## Rajasthan State Co-operative Tribunal Regulation 2013

### Rule

## RAJASTHAN-STATE-CO-OPERATIVE-TRIBUNAL-REGULATION-2013 of 2013

- Published on 30 August 2013
- Commenced on 30 August 2013
- [This is the version of this document from 30 August 2013.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan State Co-operative Tribunal Regulation 2013 Published vide Notification No. S.O. 133, dated 30.8.2013 S.O. 133. - In exercise of the powers conferred by sub-section (9) of section 105 of the Rajasthan Co-operative Societies Act, 2001 (Act No. 15 of 2002), the Rajasthan State Co-operative Tribunal with previous sanction of the Government hereby makes the following regulations for regulating its procedure and the disposal of its business, namely: -Chapter-I Preliminary

### 1. Short Title and commencement.

(1) These regulations may be called the Rajasthan State Co-operative Tribunal Regulation 2013.

### 2. Definitions.

(1) In these regulations unless there is anything repugnant in the subject or context, -(a) "Act" means the Rajasthan Co-operative Societies Act, 2001 (Act No. 16 of 2002); (b) "Appeal" means an appeal made to the Tribunal as provided under section 105 of the Act; (c) "Application for review" means an application made to the Tribunal for exercising its powers under section 106 of the Act; (d) "Application for restoration" means an application made to the Tribunal for restoration of the proceedings dismissed by the Tribunal in the absence of appellant/applicant; (e) "Assistant Registrar" means the Assistant Registrar of the Tribunal and includes a person who is for the time being discharging the functions of the Assistant Registrar; (f) "Chairman" means the Chairman appointed under sub-section (3) of section 105 of the Act; (g) "Member" means the members appointed under sub-section (4) and (5) of section 105 of the Act; (h) "Reference" means a reference made to the Tribunal under section 125 of Act; (i) "Rules" means the rules made under the

Act;(j)"Seal" means the official seal of the Tribunal; and(k)"Tribunal" means the Rajasthan State Cooperative Tribunal constituted under section 105 of the Act;(2)Words and expression used in these regulations but not defined shall have the same meaning as assigned to them in the Act or in the rules.

Chapter-II Sittings and Office Hours

### **3. Place of Sitting.**

(1)The head quarter of the Tribunal shall be at Jaipur.(2)All appeals and applications shall ordinarily be heard at the Tribunal's Head Quarter:Provided that the Tribunal may looking to the number of appeals or applications pending in respect of any area, with the prior permission of the State Government, hear them at any other place in the State of Rajasthan.

### **4. Cause List.**

- The Assistant Registrar with the approval of Chairman shall publish on the Notice Board of the Tribunal cause list of cases fixed for hearing.

### **5. Office Hours.**

- The office hours and holidays of the Tribunal shall be the same, as the office hours and holidays of other offices of the State Government:Provided that the State Government may, in public interest, prescribed some different working hours during summers.

Chapter-III Presentation, Registration and Admission of Appeals and Applications

### **6. Presentation of Appeals and Applications.**

(1)An appeal or application shall be presented in person by the appellant or the applicant, as the case may be, or by his duly appointed agent or pleader to the Assistant Registrar during office hours or sent to him by registered post.(2)When an appeal or application is presented by a pleader it shall be accompanied by a vakalatnama duly signed by the appellant or the applicant, as the case may be and duly accepted by pleader.(3)Every, appeal or application shall be made in accordance with the provisions of the Act, the rules and these Regulations.(4)Every memorandum of appeal or application for review or restoration, as the case may be shall, -(a)be written legibly in ink or typed or printed in Hindi language with in foolscap or other paper similar to in size and quality;(b)bear a court fee stamp of Rs2/-;(c)be accompanied by a certified copy of judgment or order complained against;(d)specify the name and address of the appellant or the applicant and also the name and address of the respondent or the opponent, as the case may be;(e)state whether the judgment or order was made, by the Registrar himself or by the person on whom powers of the Registrar is conferred or delegated under section 4 of the Act;(f)state clearly the grounds on which the appeal or application is made;(g)state precisely the relief which the appellant or the applicant claims;(h)state the date of the judgment or order complained against or sought to be reviewed or restored;(i)if an appeal is preferred or an application is made after the expiry of the period of limitation, state concisely the grounds for not preferring the appeal or making the application in time; and(j)be

accompanied by as many ordinary copies of memorandum of appeal or application as there are respondents or opponents and be also accompanied by as many sets of paper books as there are three members of the Tribunal and each set should consist of one copy of memorandum of appeal or application and one copy of the judgment or the order complained against written legibly in ink, typed or printed.

## **7. The Address of the parties.**

- The addresses of the parties mentioned in the memorandum of appeal or application shall be presumed to be their registered addresses. All correspondence sent at their registered addresses may be presumed to have been delivered at those addresses.

## **8. Registration of appeal or applications.**

(1) On receipt of an appeal or applications, the Assistant Registrar shall endorse on it the date of its receipt and the mode of presentation. The Assistant Registrar shall as soon as possible, examine it and on satisfying himself -(a) that the person presenting it has authority to do so; (b) that it is made within prescribed time, if any; and (c) that it conforms to the provisions of the Act, the rules and these Regulations shall cause it to be registered in the appropriate register maintained for the purpose. (2) If the Assistant Registrar finds that the appeal or the application does not conform to the provisions of sub-regulation (1) above, he shall make a note on the appeal or the application to that effect and shall call upon the party concerned or his agent or pleader, if any, to remedy the defects within a period of ten days of the receipt of notice. The Assistant Registrar may, for good cause, extend the above period of ten days. If the extension of more than ten days in the aggregate is sought, the Assistant Registrar shall place the matter before the Chairman and obtain his orders in that behalf. (3) If the defects are remedied within the period allowed under sub-regulation (2), the Assistant Registrar shall cause the appeal or the application as the case may be, to be registered in the appropriate register. (4) If the party concerned or his agent or pleader fails to remedy the defects within the period and extended period specified in sub-regulation (i) above, the Assistant Registrar shall place the matter before the chairman and with his approval fix a date for the hearing of which due notice shall be given to the party or his agent or pleader. (5) On the date so fixed the Tribunal shall go through the relevant papers, hear the party or his agent or pleader if present, and pass orders either directing that the appeal or application be registered or be rejected. Where the appeal or application is rejected, the Tribunal shall record its reasons for doing so. (6) When an appeal or application has been ordered to be registered under this regulation, the Assistant Registrar shall get it registered as soon as practicable and not less than seven days from the date of the order passed under sub-regulation (5) above.

## **9. Admission.**

(1) On receipt of the record and proceedings of the appeal or application, as the case may be, the Chairman shall after considering the record, unless he directs that the appeal or application lie fixed before the Tribunal for preliminary hearing, admit it; Provided that the Chairman may, in an appropriate case, admit an appeal or application which has been registered under regulation 8,

without prior receipt of the record and proceedings of such appeal or application, as the case may be.(2)The Tribunal shall hear the appeal or application placed before it for hearing and after considering the record and hearing the appellant or applicant either admit or reject the appeal or application or issue notice for preliminary hearing to opposite parties.(3)When any reference made by the Registrar or any officer acting under Section

**125. of the Act, proposes to rescind any resolution passed by the Society in its meeting, on the ground that it is opposed to the objects of the Society and against the norms of Cooperative movement, the Tribunal on receipt of such a reference will issue notice to show cause to the Society or any effected person. On receipt of objections the Tribunal after hearing arguments of the parties shall pass suitable orders and thereafter either reminds the resolution or the reference shall be rejected.**

#### Chapter-IV Hearing, Adjournment and Judgment

### **10. Notice to parties to appear before the Tribunal.**

- After an appeal or application is admitted, a notice shall be served on the parties concerned, calling upon them to appear before the Tribunal on the date specified in the notice. The notice shall also state that if the party concerned does not appear before the Tribunal either in person or through his agent or pleader on the date specified in the notice or on any subsequent date to which the hearing may be adjourned, the Tribunal shall hear and decide the appeal or application, as the case may be, ex-parte.

### **11. Procedure at the hearing.**

- On the date fixed or on any other day to which the hearing may be adjourned, the appellant or the applicant or his agent or pleader shall ordinarily be heard first in support of his appeal or application. The respondent or the opponent or his agent or pleader shall, if necessary, be heard next and in such case the appellant or the applicant or his agent or pleader shall be entitled to reply.

### **12. Hearing in the absence of the parties.**

(1)If, on the date fixed for hearing or on any other day to which the hearing may be adjourned the appellant or the applicant does not appear either in person or by his agent or pleader when the appeal or application is called for hearing, the Tribunal may dismiss the appeal or application, as the case may be, may decide it on merits after hearing the respondent, opponent, his agent or pleader, if present.(2)If, on the date fixed for hearing or any other day to which the hearing may be adjourned, the respondent or opponent does not appear either in person or through his agent or pleader when the appeal or the application is called on for hearing, the Tribunal may proceed ex-parte.

### **13. Restoration of appeal and application for review.**

(1) If any of the parties was absent at the time of the hearing, either preliminary or final, the appeal or application was heard and decided in absence of such parties. The appellant or applicant may apply for restoration of the appeal or application and if the appellant or applicant, as the case may be, satisfies the Tribunal that he had no notice of the date of the hearing or that he was prevented by any sufficient cause from appearing when the appeal or application was called on for hearing, the Tribunal may restore the appeal or the application: Provided that where the opposite party had appeared in the appeal or application, such party shall be given notice and an opportunity of being heard before passing the order for restoration of the appeal or the application. (2) An application for restoration by any party shall be made within 60 days from the date of the communication of the order of the Tribunal.

### **14. Fresh evidence and witness.**

- No party to an appeal or an application shall be entitled to adduce fresh evidence, whether oral or documentary, before the Tribunal. The Tribunal may accept documents rendered by a party or call for them if it is of opinion that they are necessary for deciding the appeal or application provided that the other party shall in that case be entitled to produce rebutting evidence.

### **15. Adjournment.**

(1) The Tribunal may, at any time with or without any conditions as it thinks, fit, adjourn the hearing of any appeal or application. (2) Save as otherwise provided, the Assistant Registrar may postpone the hearing or appeal or application if notice of hearing has not been served on either party.

### **16. Insolvency of the parties.**

- The insolvency of an appellant or applicant in any appeal or application, as the case may be, which the assignee or receiver might maintain for the benefit of his creditors, shall not cause the appeal or application, as the case may be, to abate unless such assignee or receiver declines to continue the appeal or the application.

### **17. Assignment.**

- In cases of assignment, creation or devolution of any interest during the pendency of an appeal or application, the appeal or the application may, be leave of the Tribunal be continued by or against the person to or upon whom such interest has come (sic) devolved.

### **18. Legal Representative.**

- The appellant, applicant or the person claiming to be the legal representative of a deceased appellant or applicant or the assignee or receiver in the case of an insolvent appellant or applicant,

as the case may be, may apply for an order to set aside the abatement of dismissal and if it is proved that he has prevented by any sufficient cause from continuing the appeal or the application, the Tribunal shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

## **19. Cross objection/Appeal.**

(1) In appeal filed by the opposite party respondent, though he may not have appealed from any part of the decision or order passed by the Registrar or his nominee or his subordinate acting under the Act, may file cross objection to the decision or order which he could have taken by way of appeal. The cross objection shall be filed in the Tribunal within one month from the date of service on him or his agent or pleader of notice of the appeal. (2) Such cross objection shall be in the form of a memorandum of appeal. (3) Unless the respondent filed the cross-objection along with written acknowledgment, of having received a copy of such cross objection, from the party who may be affected by such objection or his agent or pleader, the Tribunal shall cause a copy to be served, as soon as may be, after the filing of the cross objection, on such party or his agent or pleader, at the expense of the respondent. (4) Where, in any case which any respondent or opponent has under this regulation filed a memorandum of objection, the original appeal or application is withdrawn or is dismissed for default, the objection so filed may nevertheless be heard and determined after such notice to the other parties as the Tribunal thinks fit.

## **20. Pronouncement of judgment.**

(1) When the hearing of an appeal or application is complete, the Tribunal may announce the substance of the judgment which is intended to be given or fix a date on which the judgment is to be pronounced. Such date shall be notified on the notice board of the Tribunal. (2) Every judgment of the Tribunal shall be in writing.

## **21. Unanimous or majority judgment.**

- Where the judgment is unanimous, it shall be signed by all the members and pronounced by the Chairman in the open Court. Where a matter is heard by an odd number of members including the Chairman constituting a bench, the opinion of the majority shall prevail, and the decision shall be in accordance with the opinion of the majority. Where a matter is heard by an even number of members, and the members are equally divided, if the Chairman be one of the members, the opinion of the Chairman shall prevail and in other cases the matter shall be referred for hearing to the Chairman and shall be decided in accordance with his decision.

## **22. Certain matters to be specified in the judgment.**

(1) The Tribunal shall, in its judgment, state at the end, whether the appeal or the application is dismissed wholly or in part and mention the relief, if any, granted to the appellant or the applicant. (2) The Tribunal shall have the power to pass any judgment and make any order which to

have been passed or made and to pass or make such further or other judgment or order as the case may require, and this power may be exercised by the Tribunal notwithstanding that the appeal is as to part only of the judgment and may be exercised in favour of all or any of the respondents or parties, although such respondents, or parties may not have filed any appeal or objection.

### **23. Costs.**

(1)The costs of the appeal or the application shall be in the discretion of the Tribunal.(2)In its final order the Tribunal shall state who shall bear the costs and in what proportion, if any.(3)A bill of costs shall be drawn up by the Assistant Registrar.

### **24. Supply of certified copies of judgment.**

(1)A certified copy of every judgment of the Tribunal shall be forwarded to the Registrar of Co-operative Societies and to the subordinate officers, who exercised the powers of the Registrar under the delegated powers of the Registrar in accordance with the provisions of the Act free of cost, along with record.(2)The copies of judgment/orders will be supplied to the parties on payment of copying fee as per General Rules Civil, 1986.Chapter-V Miscellaneous

### **25. Appearance of pleaders.**

(1)When an advocate or pleader has filed his appearance for a party in appeal or application, he shall accept service of all notices on behalf of his client until he is discharged.(2)No party who has engaged an advocate or pleader shall be permitted to appear, act or plead or do anything in relation to any proceeding before the Tribunal except through his advocate or pleader, so engaged.(3)When an advocate or pleader is prevented by sickness, or engagement elsewhere, from appearing in any case in which he has been retained, he may appoint another advocate or pleader to appear on his behalf by an instrument in writing.

### **26. Seal of the Tribunal.**

- The Tribunal shall have an official seal of its own which shall be kept in the custody of the Assistant Registrar.

### **27. Functions of Assistant Registrar.**

- The Assistant Registrar shall perform such functions as are assigned to him by these regulations or by the Chairman under these regulations.

### **28. Notice, judgment etc. to be signed and sealed.**

- Every notice and a certified copy of any document including the judgment or order shall be signed by the Assistant Registrar with the date month and year of signing and shall be sealed with the Seal

of the Tribunal.

## **29. Records.**

- The records of the Tribunal shall be kept in the custody of the Assistant Registrar.

## **30. Application for inspection.**

- Any person who has a right to inspect a record under the provisions of the Indian Evidence Act, 1872 or under any other law for the time being in force or to obtain copies of any records of the Tribunal or extracts there-from, shall make an application in writing to the Assistant Registrar stating therein the purpose for which the said request is made.

## **31. Grant of application for inspection.**

(1) If the Assistant Registrar is satisfied that the application made under the last preceding regulation is in order he shall grant the application. (2) No inspection of any records of the Tribunal shall be allowed by the Assistant Registrar except in the presence of an officer of the Tribunal.

## **32. Power to administer oath to the deponents.**

- The Assistant Registrar shall have power to administer oath to a deponent who may have to file affidavit before the Tribunal. In ordinary course and in routine the affidavits attested by Oath Commissioner and Notary Public will be accepted.

## **33. Copies of document on payment of fee.**

(1) Any party to the appeal or application before the Tribunal, may apply to the Assistant Registrar for certified copy of the documents including the judgment or record from the office of the Assistant Registrar and the General Rules Civil, 1986 shall be applicable for granting the copies of the Judgment or record, as the case may be. (2) In suitable cases the Assistant Registrar may exercise his discretion to supply certified copies to the parties by post/VPP upon request made by the parties on payment for the same. (3) If the Assistant Registrar feels any doubt about the propriety of granting a copy of any such document, he shall place the application before the Chairman and act in accordance with the orders of the Chairman. (4) Persons who are not parties to an application may be supplied with a copy of any such document only under the orders of the Chairman and on payment of the copying fees.

## **34. Interlocutory order.**

- Except where it appears that the object of making an interlocutory order would be defeated by the delay, the Tribunal or the Chairman shall pass such orders and in all other cases before making the order, direct notice of the application for the same to be given to the opposite party.



### **35. Service of notices in general.**

- (1.) The notices issued by the Assistant Registrar to the party under these regulation shall be served by any of the following methods, viz.,(a)by delivery to the addressee or his agent or pleader personally of a copy of the notice after taking his signature on the original in token of receipt; or(b)by registered post acknowledgment due.An acknowledgment containing the signature of the addressee or his agent or pleader or an endorsement by the postal authorities to the effect that the notice was refused by the addressee, shall, unless the contrary is proved, be deemed to be sufficient to hold that notice was duly served on him.(2)Where the Tribunal is satisfied that there is reason to believe that the respondent or the opponent is keeping out of the way for the purpose of avoiding service, or that for any other reason notice cannot be served in the ordinary way, the Tribunal shall order the notice to be served by affixing a copy thereof in some conspicuous place in the Tribunal s office and also upon some conspicuous part of the house, if any, in which the respondent or the opponent is known to have last resided or carried on business or personally worked for gain or in such other manner as the Tribunal thinks fit.(3)Service substituted by order of the Tribunal shall be as effectual as if it has been made on the respondent or the opponent personally.

### **36. Performance of duties during Chairman s absence from headquarters.**

- The Chairman may direct that during his absence from the headquarters or otherwise any of the duties to be performed by him under these regulations, may be performed by such member or members as may be authorized by him in this behalf. Such authorization shall be in writing and may be made generally or under reference to particular case or class or classes or for any specified period.

### **37. Application of provisions of other laws.**

- Except otherwise provided in these regulations, the provisions of Section 96 Rule 1 to 9 (both inclusive) of Order XXLI and Order XLI of Code of Civil Procedure, 1908, the Limitation Act, 1963 and the Evidence Act, 1872 shall, as far as may be apply to the appeal, application filed or proceeded before the Tribunal.