

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25329 of 2011

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DATE: 16.07.2015

Between:

APSRTC Employee's Thrift and Credit
Cooperative Society Ltd

...Petitioner

and

AP Cooperative Tribunal, Hyderabad and others

...Respondents

COUNSEL FOR THE PETITIONER : SRI A.K. JAYAPRAKASH RAO

COUNSEL FOR RESPONDENTS 1, 3, 4, 5 & 9 : NONE APPEARED

COUNSEL FOR RESPONDENT No.2 : AGP FOR COOPERATION (TS)

**COUNSEL FOR RESPONDENTS 6 TO 8: SRI N.GANGADHAR
FOR SRI ASHOK ANAND KUMAR**

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25329 of 2011

ORDER:

This Writ Petition is filed for a mandamus to set aside order, dated 29.03.2011 in CTA.No.56 of 2010 on the file of the Andhra Pradesh Cooperative Tribunal at Hyderabad.

I have heard Sri A.K.Jayaprakash Rao, learned counsel for the petitioner and Sri N.Gangadhar, learned counsel representing Sri Ashok Anand Kumar, learned counsel for respondents 6 to 8.

Respondent No.5 has borrowed certain amount from the petitioner. Respondents 6 to 9 stood as sureties for the said loan. It appears, respondent No.5 was dismissed from service. The petitioner has started recovering the loan of respondent No.5 through the salaries of respondents 6 to 9. Respondents 6 to 8 have filed ARC.No.17 of 2009 under Section 61 of the Andhra Pradesh Cooperative Societies Act, 1964 before respondent No.2. In I.A.No.3 of 2010, respondent No.2 has passed an interim order on 10.06.2010 staying recovery of the loan amount from the salaries of respondents 6 to 8. Feeling aggrieved by the said order, the petitioner has filed CTA.No.56 of 2010 before respondent No.1. By order, dated 29.03.2011, respondent No.1 has dismissed the said appeal.

From the facts noted above, it is evident that the dispute arises out of an interim order passed by respondent No.2 pending ARC.No.17 of 2009. Therefore, in my opinion, it is not appropriate at this length of time to adjudicate on the legality or otherwise of the interim order passed by respondent No.2 pending ARC.No.17 of 2009 and the final order passed by respondent No.1 in the appeal filed against the interim order. Instead, interests of justice would be balanced, if respondent No.2 is directed to complete the arbitration proceedings and pass a final order within a reasonable time.

Accordingly, respondent No.2 is directed to dispose of ARC.No.17 of 2009 after notice to the petitioner and respondents 6 to 8 within three months from the date of receipt of this order.

The Writ Petition is accordingly disposed of.

As a sequel to disposal of writ petition, WPMP.No.31170 of 2011 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

16th JULY, 2015.

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