

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.22896 of 2015
Date of Decision: 02.11.2015

The Progressive Cooperative House Building 1st Society Ltd.

. . . .Petitioner

Versus

Advisor to the Administrator, Union Territory, Chandigarh and
others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Munish Jolly, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

There are three societies by the name of Progressive Cooperative House Building Society in which the Society registered vide No.632 and is allotted land for construction of 597 flats is known as 1st society [petitioner], the society, which has been a defaulter and not considered as eligible by the Housing Board for allotment of flats is known as 2nd society and the society to which flats were earlier allotted is the 3rd society, which is impleaded as respondent No.4 in this case.

The 1st society has filed this petition to assail the validity of the orders dated 3.12.2012 and 1.10.2013 passed by the Joint Registrar, Cooperative Societies, UT, Chandigarh and Secretary Cooperation, UT, Chandigarh respectively. Respondent No.4 filed

petition under Section 55/56 of the Punjab Cooperative Societies Act, 1961 [for short 'the Act'] as applicable to UT, Chandigarh for recovery of ₹13 lac as principal, ₹6,68,805/- as interest upto 30.4.2009 along with interest @ 10% per annum w.e.f. 1.5.2009 till recovery of full amount and ₹5000/- as cost of arbitration. The Joint Registrar vide his order dated 3.12.2012 recorded a finding that it is established from the resolution dated 19.11.2005 that the petitioner/society had taken loan from respondent No.4 of an amount of ₹40 lacs and paid ₹27 lacs to respondent No.4 on different dates. Accordingly, order was passed directing the petitioner to pay the balance amount of ₹13 lacs towards principal and ₹6,69,805/- as interest upto 30.4.2005, with future interest @ 10% per annum w.e.f. 1.5.2009 till the date of its realization and ₹5000/- towards cost. Aggrieved against this order, the petitioner filed the statutory appeal under Section 68 of the Act before the Secretary Cooperation, UT, Chandigarh which was dismissed on 1.10.2013 holding that the petitioner had availed loan of ₹40 lacs and had paid ₹27 lacs in return, therefore, it was liable to pay the balance amount which has been rightly held by the Joint Registrar, Cooperative Societies, UT, Chandigarh. The petitioner did not challenge this order before this Court earlier and has filed this petition only when the execution of the petition was filed by respondent No.4.

It is argued that the Joint Registrar did not give proper opportunity to the petitioner when the award was passed as the counsel for the petitioner was not present.

I have heard learned counsel for the petitioner and after taken into consideration the available record, am of the considered

VIVEK PAHWA
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High Court Chandigarh

opinion that a pure finding of fact has been recorded on the basis of the record as per which the petitioner had availed loan of ₹40 lacs and had returned only ₹27 lacs, therefore, it was liable to pay the remaining amount of ₹13 lacs which has been ordered to be paid with interest.

Thus, I do not find any error in the impugned orders and hence, the present petition is hereby dismissed.

02.11.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**