IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.755 of 2013
Date of Decision:- 13.07.2015.

Balbir Singh Jammu

......Appellant

Versus

Financial Commissioner, Cooperation, Punjab and others

.......Respondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sahil Khunger, Advocate for the appellant.

Mr. K.K. Gupta, Additional A.G. Punjab.

Mr. I.S. Sidhu, Advocate for respondent No.2.

****

SURYA KANT, J. (ORAL)

1.) The short question that arises for consideration in this case is whether the Registrar, Cooperative Societies, Punjab could condone the delay in filing the appeal under Section 68 of the Punjab Cooperative Societies Act, 1961 (hereinafter to be referred to as 'the Act')?

2.) Learned Single Judge vide the order under appeal has answered this question in negative on relying upon the decision of Hon'ble Supreme Court in ***Commissioner of Customs & Central Excise Vs. Hongo India (P) Ltd. & anr 2009 (5) SCC 791*** wherein it is held that once the Statute does not expressly provide, the delay in filing the appeal cannot be condoned.

3.) It may be noticed that Section 68 of the Act provides the remedy of appeal but according to its sub-Section (2) *"an appeal against any decision or order under sub-Section (1) shall be made within 60 days from the date of decision or order ----xxx-----xxx."* There is no further provision enabling the Appellate Authority to condone the delay even if the facts and circumstances of a case so warrant.

4.) It is in this backdrop that the question posed at the outset arises for consideration.

5.) In our considered view, the issue is no longer *res integra* and has been authoritatively answered by the Hon'ble Supreme Court in various decisions including ***Popat Bahiru Govardhane Etc. Vs. Special Land Acquisition Officer and Another 2013 (10) SCC 765*** where an application under Section 28 (A) of the Land Acquisition Act, 1894 (since repealed) was required to be moved within a period of three months from the date of award passed by the Reference Court. Section 28-A of the Land Acquisition Act, as it existed at the relevant time, did not empower the Land Acquisition Collector to condone the delay in submission of application for re-determination of the compensation amount. The Apex Court after referring to the earlier case-law, has held as follows:-

> *13. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so*

prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim "dura lex sed lex" which means "the law is hard but is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decision factor to be considered while interpreting a statute. "A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation."

6.) Following the cited dictum, we hold that since Section 68 of the Punjab Cooperative Societies Act does not empower the Appellate Authority to condone the delay beyond the prescribed period, the view taken by learned Single Judge is the correct statement of law and calls for no interference.

7.) Dismissed.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

July 13, 2015.
sandeep sethi