

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO. 440 OF 2006
IN
ARBITRATION PETITION NO. 97 OF 2006**

Mr. Sahir S. Hamid of Mumbai & Anr. ... Appellants.

V/s.

The Bombay Mercantile Co-op. Bank Ltd.
& Anr. ... Respondents.

None present.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 31st AUGUST, 2016

P.C. :

1 None appears on behalf of the Appellants.

2 We have perused impugned order dated 10th April, 2006 passed by the learned single Judge in the Arbitration Petition.

3 The brief facts relevant for the purpose of deciding this appeal are as under :

4 The Award was passed by the sole Arbitrator under the provisions of the Multi State Co-operative Societies Act, 2002. Before the learned single Judge only two points were urged. Firstly, it was submitted that since the liability had incurred under the provisions of the Multi State Co-operative Act, 1984, which Act has been repealed by the 2002's Act, the recovery proceedings could not have been initiated under the 2002's Act. Learned single Judge has rightly come to the conclusion that under section 126 of the new Act read with section 6 of the General Clauses Act, it was patently clear that the liability incurred under the Old Act of 1984 could be enforced by the Bank against a member under the Act, 2002. Secondly, it was submitted that the dispute had been filed within a period of limitation. The learned single Judge has relied on section 85 of the Act and has held that the said contention was without any substance. No case, therefore, is made out for interference with the order passed by the learned single Judge.

5 The Appeal is, therefore, dismissed.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)

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