

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45791 OF 2016

ORDER:

This writ petition is filed challenging the Award dated 30.06.2014 passed under Section 64 and 66A of the Chit Funds Act, 1982 (for short 'the Act') and the recovery certificate issued under Section 71 (a) of the Act.

The principle contention of the learned counsel for the petitioner is that the 2nd respondent passed an Award on 30.06.2014 without assigning any reasons under Section 69 of the Chit Funds Act, 1982 (for short 'the Act') and on the same day Recovery certificate under Section 71(a) of the Act was issued. As the petitioner is entitled to prefer an appeal before the Government in 60 days under Section 70 of the Act, the 2nd respondent could not have issued the Recovery certificate. He also placed reliance on Rule 55 of the Andhra Pradesh Chit Fund Rules, 2008 which contemplates the procedure for issuance of recovery certificate under Section 71 of the Act.

On the other hand Sri Durga Prasad appearing for the 3rd respondent submits that the Award and Recovery certificate have become final and EP No.337/14 filed by the 3rd respondent is pending before the Civil Court for execution of the Award. Having not filed the appeal against the impugned Award as on today, petitioner cannot have any grievance.

Learned counsel for the petitioner has not disputed the fact that the impugned Award and the Recovery certificate has become final.

A reading of Section 71 of the Act read with Rule 55 does not indicate that Recovery certificate cannot be issued on the same day when Award is passed. No such prohibition is brought to my notice. However, even as on today, no appeal is filed under Section 71 of the Act challenging the Award.

In view of the above, I do not see any merit to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

27.12.2016
dv



A.RAJASHEKER REDDY, J