

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.13735 of 2017

ORDER:

Award, dated 05.10.2016 passed by the second respondent under Section 62 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') in Suit No.30 of 2016-17 is under challenge in the present Writ Petition.

When the matter is taken up, a preliminary objection with regard to maintainability of the Writ Petition is taken by the learned Government Pleader. It is submitted by the learned Government Pleader that under Section 76 of the Act, as against the orders passed under Section 62 of the Act, an appeal lies to the Tribunal. The said provision of law reads as under:

76. Appeal:-

(1) Any person or society aggrieved by any decision passed or order made under Section 6, Section 9A, Section 9B, Section 9C, Section 12A, Section 13, Section 16, Section 17, Section 19, Section 21, Section 21A, Section 21AA, Section 23, sub-section (3) of Section 32, Section 34, Section 34A, Section 60, Section 62, Section 64, Section 66, Section 70, Section 71, Section 73 and Section 117 may appeal to the Tribunal:

Provided that nothing in this sub-section shall apply to any order of withdrawal or transfer of a dispute under sub-section (3) of Section 62.

(2) On a reference made by the Registrar of Cooperative Societies, the Tribunal shall call for and examine the records of any proceeding which is appealable to it for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and where it appears to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem fit:

(3) Any appeal under sub-section (1) shall, subject to the other provisions of this Act, be preferred within sixty days from the date of communication to

the appellant of the decision, refusal or order complained of but the Tribunal may admit an appeal preferred after the said period of sixty days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the said period.

(4) In disposing of an appeal under this section, the Tribunal may, after giving the parties an opportunity of making their representations, pass such order thereon as it may deem fit.

(5) The decision or order of the Tribunal on appeal shall be final.

(6) The Tribunal may pass such interim orders pending the decision on the appeal as may deem fit.

(7) The Tribunal may award costs in any proceedings before that authority to be paid either out of the funds of the society or by such party to the appeal as the Tribunal may deem fit.

In view of the above, as there is an alternative remedy of appeal available to the petitioner, this Court is not inclined to entertain the present Writ Petition.

Accordingly, this Writ Petition is disposed of with liberty to the petitioner to file appeal before the Tribunal within a period of one month from the date of receipt of a copy of this order. If any such appeal is filed, the same be considered and appropriate orders be passed in accordance with law.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

18th APRIL, 2017.

A.V.SESHA SAI, J

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