

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

CWP No.29163 of 2017
Date of Decision: 20.12.2017

The Punjab State Cooperative Supply and Marketing Federation Limited
(MARKFED), Markfed House, Sector 35, Chandigarh

. . . . Petitioner

Vs.

Joint Registrar, Cooperative Societies, Patiala Division, Patiala and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.A.S. Walia, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the orders dated 7.6.2016 passed by respondent No.2 and 10.4.2017 passed by respondent No.1.

The petitioner had filed an arbitration case under Section 55 - 56 of the Punjab Cooperative Societies Act, 1961 [for short 'the Act'] against respondents No.3 & 4 for the recovery of ₹1,31,413/- along with interest and costs. The said application was dismissed on 21.7.2014. The order dated 21.7.2014 was challenged by way of an appeal, filed under Section 68 of the Act, along with an application for condonation of delay. The said application as well as the appeal was dismissed on 7.6.2016. The petitioner filed a revision under Section 69 of the Act which was also dismissed on 10.4.2017.

Learned counsel for the petitioner has though vehemently argued that the impugned orders are patently illegal and that the delay application should have been allowed while entertaining the appeal but has failed to make out any case much less any sufficient ground for the purpose of condonation of delay. There is no sufficient cause given by the petitioner to explain the delay and as a result thereof, the order passed in favour of private respondents No.3 & 4 on 21.7.2014 has become final.

In view of the above, I do not find any illegality in the impugned orders passed by the appellate and revisional Court and thus, the writ petition is hereby dismissed but while parting with the order, I am compelled to add that the department should seek an explanation from the concerned officer, who was assigned the appeal, for not filing the same in time because of which the same was dismissed on the ground of delay and the revision also met with the same fate and in this process the matter regarding recovery by the petitioner from respondents No.4 & 5 of ₹1,31,413/- with interest and costs became the casualty.

20.12.2017

Vivek(RAKESH KUMAR JAIN)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*