

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
118 CIVIL WRIT PETITION NO.15269 OF 2018
DATE OF DECISION: JULY 12, 2018**

Punjab State Co-op Supply Marketing Federation Ltd. (Markfed), Patiala
.....Petitioner

VERSUS

Arbitrator, Sub Registrar Cooperative Societies, Patiala and others
....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sumit Jain, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, challenging the order dated 01.08.2013 (Annexure P-1) passed by the Arbitrator Sub Registrar, Cooperative Societies, Patiala, whereby the appeal filed by the petitioner was dismissed vide order dated 17.10.2014 (Annexure P-2) and thereafter revision petition preferred by it has also been dismissed vide order dated 09.02.2016 (Annexure P-3), holding that the period of limitation for making a reference to the Arbitrator is three years and since the reference was beyond the said period, the same, being barred, was liable to be rejected on this score alone.

It is the contention of learned counsel for the petitioner, with reference to the judgment of the learned Single Judge of this Court in Civil Writ Petition No.7930 of 2014 (The Chandigarh Pepsu Cooperative House Building Vs. The Secretary, Department of Cooperation and others), dated 21.07.2014, that there is no limitation prescribed under the Punjab Cooperative Societies Act, 1961 or the Arbitration Act and, therefore, the reference, which was made, should have been entertained as the Limitation

Act is not applicable.

Having considered the submissions made by counsel for the petitioner and on going through the orders, which are impugned, this Court finds itself in agreement with the orders as have been passed by the authorities, according to which the Limitation Act is applicable where there is no period so prescribed under a particular statute or in the contract concerned. The judgments relied upon by the authorities below hold the field. Reference in this regard can be made to the judgment of Hon'ble Supreme Court in M/s Consolidated Engineering Enterprises Vs. The Principal Secretary (Irrigation Department) & Ors., decided on 03.04.2008 as also the judgments of this Court in The Punjab State Co-operative Supply & Marketing Federation Ltd. Vs. Kartar Chand and another,2015 (8) R.C.R. (Civil) 137, Krishan Kumar Sharma Vs. Rajpur Sallapur Cooperative Agricultural Services Society Limited, Tehsil Dasuya, Distt. Hoshiarpur, 2001 (2) PLJ 210, Punjab State Electricity Board Vs. Radha Steel Rolling Mills, 2001 (1) R.C.R. (Civil) 217 and S.S.Kainth Vs. Financial Commission Coop. Punjab & Ors. (Civil Writ Petition No.1088 of 2010), decided on 10.03.2011. The said judgments cover the case against the petitioner.

In view of the above, there being no illegality in the orders, which are impugned before this Court, no interference by this Court in exercise of its writ jurisdiction is called for.

The writ petition accordingly stands dismissed.

July 12, 2018 khurmi	(AUGUSTINE GEORGE MASIH) JUDGE
Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No