

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

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CIVIL WRIT PETITION NO.21780 OF 2018
DATE OF DECISION: SEPTEMBER 05, 2018

**Punjab State Cooperative Supply and Marketing Federation (MARKFED),
Chandigarh**

.....Petitioner

VERSUS

Joint Registrar, Cooperative Societies, Patiala and others

....Respondents

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

Present: Mr. Arshdeep Bhullar, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, praying for quashing of the order dated 21.11.2016 (Annexure P-5) and order dated 20.11.2015 passed by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala and the Deputy Registrar, Cooperative Societies, Ludhiana (East), respondent Nos.1 and 2 respectively, whereby the claim of the petitioner was rejected being time barred.

It is the contention of learned counsel for the petitioner that in the impugned orders, the authorities below have not taken into consideration the order dated 20.03.2014 (Annexure P-3) passed by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, whereby in a petition preferred under Sections 55-56 of the Punjab Cooperative Societies Act, 1961 for the recovery of the principal amount as well as interest and other expenses, liberty was given to the petitioner to withdraw

the petition and further whatever legal right is permissible in law to it, the petitioner can avail the benefit of the same and, therefore, the arbitration petition was first preferred by the petitioner on 19.03.2015 before the Sub Registrar, Cooperative Societies, Ludhiana (East) well within the limitation.

This contention of learned counsel for the petitioner cannot be accepted as even if the order dated 27.08.2009 (Annexure P-2) as passed by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala is taken into consideration, it granted three months' time to the petitioner to present its claim for hearing before the competent authority from the date of said decision. Admittedly, the petitioner instead of approaching the competent authority approached the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, by way of Petition No.189 of 2011, who passed the order dated 20.03.2014 (Annexure P-3). The said order would not give a fresh cause of action to the petitioner as it had not approached the competent authority within the time granted by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, vide order dated 27.08.2009 (Annexure P-2). The order, as has been passed by the Sub Registrar, Cooperative Societies, Ludhiana, dated 20.11.2015 (Annexure P-4), dismissing the petition of the petitioner being time barred and the subsequent appeal preferred by it, which was dismissed by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, vide order dated 21.11.2016 (Annexure P-5) are based upon the settled principle of law that the limitation period if not prescribed under the statute would be governed by the Indian Limitation Act, 1963. Further, the case of the petitioner is covered against it by the judgement of this Court in Civil Writ Petition No.15269 of 2018 (Punjab State Co-op Supply Marketing Federation Ltd. (Markfed), Patiala Vs.

Arbitrator, Sub Registrar Cooperative Societies, Patiala and others, decided on 12.07.2018, wherein this very aspect was taken into consideration and while relying upon various judgements, including that of Hon'ble the Supreme Court, it was held that where no limitation is prescribed under the Punjab Cooperative Societies Act, 1961 or the Arbitration Act, 1996, the Indian Limitation Act, 1963 would be applicable.

In view of the above, there is no merit in the writ petition and the same stands dismissed.

September 05, 2018
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No