IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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CWP-31207-2018

Date of decision:18.12.2018

KULDIP SINGH ...*PETITIONER*

V/S

STATE OF PUNJAB AND OTHERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harbans Sharma, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the Award dated 04.07.2012 (Annexure P-5) passed by the Inspector, Cooperative Societies, Jagatpur Jattan (Arbitrator), wherein Award amounting to ₹1,20,099.68 with interest @ 8% till the date of realization and cost of ₹250/- has been passed against the petitioner, order dated 10.04.2015 (Annexure P-7) passed by the Assistant Registrar, Cooperative Societies, Phillaur in an appeal as also the order dated 09.01.2018 (Annexure P-8) passed by the Joint Registrar, Cooperative Societies, Jalandhar Division, Jalandhar-respondent No. 2, whereby the revision petition preferred by the petitioner stands dismissed.

It is the contention of the learned counsel for the petitioner that the proceedings, which have been initiated against the petitioner, are based upon the audit report dated 31.03.2007. He contends that the limitation for taking action is three years. He further contends that as there is no limitation prescribed under the Cooperative Societies Act, therefore, the Limitation Act would apply. Counsel, thus contends that the basic proceedings, which have been initiated against the petitioner, are beyond limitation and, therefore, the whole process, thereafter, cannot sustain. His further submission is that the authorities have not taken into consideration the fact that the stocks, which were found, were not saleable and, therefore, no liability can be imposed upon the petitioner.

I have considered the submissions made by the learned counsel for the petitioner and keeping in view the judgment passed by this Court in CWP No. 7930 of 2014 titled as **The Chandigarh Pepsu Cooperative House Building** vs. **The Secretary, Department of Cooperation and others**, decided on 21.07.2014, wherein this very aspect with regard to the limitation for initiating arbitration proceedings has been dealt with. The contention of the counsel for the petitioner that the initiation of the arbitration proceedings is beyond limitation, is not sustainable.

As regards the contention of the counsel for the petitioner that the stocks were perished and, therefore, no liability can be imposed upon the petitioner merely because he was unable to sell the same, also is not acceptable in the light of the fact that it is the responsibility of the petitioner, who is the Secretary of the Society, to sell the goods, which are provided for selling the same and upkeep of the goods is also in the hands of the petitioner. In case the said goods were not required or there was no demand for sale of such goods, then, at the very outset, it should be brought to the notice of the competent authorities, which is not in the case of the petitioner. No evidence has been brought on record to substantiate the contention to the effect that the stocks, which were supplied to the petitioner for sale, were damaged, rather it appears that because of the negligence on the part of the petitioner, the stocks have perished. The findings, as recorded by the authorities below in the impugned orders, being based upon proper appreciation of facts and evidence brought on record do not call for any interference by this Court in exercising of its extraordinary writ jurisdiction.

The writ petition, therefore, stands dismissed.

December 18, 2018 **(AUGUSTINE GEORGE MASIH)**
pj **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No