

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12757 of 2019

Date of Decision: May15, 2019.

M/s R.K.M. Foods and anotherPetitioners

versus

State of Punjab and othersRespondents

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

Present: Mr.D.V.Sharma, Senior Advocate with
Mr.Harit Sharma, Advocate, for the petitioners.

Mr.T.P.S.Chawla, Deputy Advocate General, Punjab.

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Augustine George Masih, J. (Oral)

Learned senior counsel for the petitioners has *inter-alia* asserted that an earlier arbitration claim, which has been put-forth by the Hindu Cooperative Bank Limited-respondent No.6, has culminated in dismissal as withdrawn vide order dated 16.09.2016 (Annexure P-3) passed by the Additional Registrar (Administration), Cooperative Societies, Punjab. Simultaneously proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act') were initiated against the petitioners in which the property of the petitioners stands attached and some of which has already been sold. Reference in this regard has been made to the various documents indicating the process of the proceedings under the SARFAESI Act.

Counsel contends that the respondents have again filed another

arbitration proceedings qua the same account which was subject-matter of

the earlier arbitration and SARFAESI proceedings, in which *ex-parte* proceedings were initiated against the petitioners wrongly as the Arbitrator had without serving the petitioners proceeded to pass an Award on 05.09.2018. It is further contended that now the petitioners have come to know about the Award having been passed, against which the petitioners have preferred an appeal on 18.04.2019 before the Registrar, Cooperative Societies, Punjab-respondent No.2 which is now listed for hearing on 28.05.2019. It is further contended that alongwith the appeal an application for staying the Award and also for staying action of coercive steps which are initiated against the petitioners, has been filed but no decision on the said application or appeal has been taken by the Registrar-respondent No.2 till date. It is still further contended that the petitioners at this stage shall be satisfied if coercive steps taken against the petitioners, i.e., warrants of arrest are stayed till the decision of Authority on the application for stay.

Let two copies of the writ petition be handed-over to the learned State counsel during the course of day.

In view of the assertion made by the learned senior counsel for the petitioners the present writ petition is disposed of with a direction to the Registrar, Cooperative Societies, Punjab-respondent No.2 to consider the application for stay which is preferred by the petitioners alongwith the appeal and take a decision thereon preferably on 28.05.2019, the date already fixed, or any other date convenient to him. The petitioners be not arrested till the decision by the Registrar-respondent No.2 on the application for stay in the appeal preferred by the petitioners.

The writ petition stands disposed of with the above observations and directions.

Let a copy of this order be given *dasti* to counsel for the parties during the course of day under the signatures of the Bench Secretary.

May 15, 2019
mohinder

(AUGUSTINE GEORGE MASIH)
JUDGE

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