

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

1. LPA-1266-2017(O&M)

The Saraswati Kunj Cooperative House Building Society Limited

... Appellant

Versus

Bal Raj Krishan Vachher and others

... Respondents

2. LPA-1514-2017(O&M)

The Saraswati Kunj Cooperative House Building Society Limited and
another

... Appellants

Versus

S.C.Katyal and others

... Respondents

Date of decision: 30.10.2019

***CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU***

Present: Mr.R.D.Gupta, Advocates
for the appellants.

Mr.Abhimanyu Kalsy, Advocate
for Mr.Rakesh Dhiman, Advocate
for respondent no.1.

RAJIV SHARMA, J.

Since common questions of law and facts are involved in the
aforesaid appeals, therefore, these are taken up together and disposed of by
a common judgment.

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Challenge has been laid by way of these appeals to the common

order dated 25.04.2017 rendered by the learned Single Judge in CWP no.5230 of 2014 and CWP no.8597 of 2014. The respondents have filed the writ petition seeking direction to the appellants to execute the conveyance deed for plot no.1225 measuring 250 square yards as well as plot no.1415. One of the respondents had earlier filed writ petition bearing no.24573 of 2012 which was disposed of by this Court along writ petition no.24583 of 2012 vide order dated 20.12.2012. The respondents were permitted to make representation. The respondents made representation. The Assistant Registrar, Cooperative Societies looked into the matter and passed the order directing the appellant society to execute the conveyance deed in favour of the respondents vide letter dated 08.01.2014. The conveyance deed in CWP no.8597 of 2014 has not been executed only on the ground that the matter has not been referred to the Commission.

3. Learned counsel for the appellants has vehemently argued that the respondents should have availed remedy provided under the Haryana Cooperative Societies Act, 1984 more particularly arbitration clause.

4. The fact of the matter is that the petitioner in CWP no.5230 of 2014 was permitted to make representation. The representation was duly considered by the Assistant Registrar, Cooperative Societies, Gurgaon. He looked into the matter and directed to execute conveyance deed.

5. Learned counsel for the appellants has further argued that the Society has no licence. The order would relate back to the position which existed at the time of disposal of earlier writ petition.

5. Now as far as the Commission is concerned, only those matters could be referred to the Commission in which dispute existed. Neither any

illegality nor perversity is found in the order of the learned Single Judge.
Accordingly, there is no merit in these appeals and the same are dismissed.

6. Since the main appeals have been dismissed, the applications, i.e. CM-4545-LPA-2018 and CM-4549-LPA-2018 for adducing additional evidence are dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

October 30, 2019.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No