

CWP-29398-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29398-2019

Date of Decision: 14th October, 2019

Punjab State Cooperative Supply and Marketing Federation Ltd.

...Petitioner

Versus

Joint Registrar, Cooperative Societies, Patiala Division & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 21.11.2016 (Annexure P-5) and the order dated 20.11.2015 (Annexure P-4), passed by the Joint Registrar Cooperative Societies, Patiala Division, Patiala and the Deputy Registrar Cooperative Societies, Ludhiana Division, Ludhiana East, respondents No.1 and 2 respectively.

2. It is the contention of the learned counsel for the petitioner that the authorities below have failed to appreciate that the inherent power is conferred upon the said authorities to condone the delay in filing the appeal/revision provided there is a reasonable explanation. The explanation which has been submitted by the petitioner before the said authorities have not been taken into consideration rather the authorities have proceeded to simply dismiss the appeal/revision on the basis of the fact that the same were filed after a delay. He, thus, contends that the impugned orders

cannot sustain and deserve to be set aside and the case remanded to the authorities below for decision on merits.

3. Having considered the submissions made by the learned counsel for the petitioner, the contention as raised by the counsel for the petitioner cannot be accepted in the light of the order passed by this Court in CWP No.21780 of 2018, titled as 'Punjab State Cooperative Supply and Marketing Federation (MARKFED), Chandigarh Vs. Joint Registrar, Cooperative Societies, Patiala & others', decided on 05.09.2018, wherein, this Court had proceeded to consider the power of the Appellate Authority as well as the Revisional Authority under the Punjab Cooperative Societies Act, 1961, to condone the delay in filing the appeal/revision. The said aspect has been dealt as follows:-

“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 (Anneuxre 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

CWP-29398-2019

Arbitration Act, 1996, the Indian Limitation Act, 1963
would be applicable.”

4. In the light of the above, the present writ petition cannot be
accepted and therefore, the same is dismissed.

14th October, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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