

105.

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

CWP-23839-2021

Date of Decision: 25.08.2022

**THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LTD MARFED CHD.**

.... Petitioner

Versus

THE REGISTRAR CO OPERATIVE SOCIETIES PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mayank Mathur, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been filed seeking to challenge the order dated 03.03.2020, Annexure P-1, passed by Registrar, Co-operative Societies, Punjab, whereby the appeal of the petitioner has been dismissed besides the order dated 25.02.2019, Annexure P-2, passed by the Additional Registrar (I), Cooperative Societies, Punjab rejecting the arbitration reference of the petitioner Federation.

In brief, the facts are that respondents No.2 to 4 had caused loss to the petitioner to the extent of Rs.1,47,26,067/- due to shortage of rice and loss of baradana etc. The Managing Director of the petitioner Federation by his order dated 04.07.2018 held that the said respondents were responsible for causing a loss to the Federation and the amount be recovered from them.

Since two of the respondents have since retired, recovery was to be made from their retiral dues and remaining by initiation of arbitral proceedings under the provisions of the Punjab Cooperative Societies Act, 1961 (for short, the the 1961 Act). Arbitration proceedings were accordingly commenced, which stood dismissed. An appeal was filed before the Registrar Cooperative Societies, Punjab, under Section 68 of the 1961 Act to set aside the award of the Arbitrator dismissing the claim. However, it also came to be dismissed leading to the filing of the instant writ petition.

Learned counsel appearing on behalf of the petitioner herein would contend that in fact respondents No.2 to 4 who were aggrieved against the initiation of proceedings vide order dated 03.03.2018, had preferred an appeal before the Board of Directors and the said respondents were exonerated by the Board by order dated 02.06.2021. This order of the Board of Directors has now been challenged before the Registrar, Cooperative Societies, Punjab in revision numbered as R.P. No.429 of 2021, which is still pending consideration. Counsel would submit that as the decision of the revision petition is still awaited, this matter should be adjourned sine die. However, this Court, on appreciation of the facts as put up, is not inclined to adjourn the matter sine die since any decision taken by the Registrar on the revision petition would necessarily have to be challenged which would ultimately result in amending of the pleadings in the present writ petition. Consequently, this writ petition is liable to be disposed of at this stage to await any decision to be taken by the aforesaid authority. In case the

petitioner is still aggrieved, it would be at liberty to challenge the orders passed in the revision petition by taking up the issues raised in this petition as well.

Consequently, the writ petition is disposed of with the aforesaid liberty.

(JAISHREE THAKUR)
JUDGE

25.08.2022

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No