

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.6980 of 2015 (O&M)

Date of Decision.12.09.2022

The Chandigarh State Bank of Patiala Employees Cooperative U.S.E. Thrift
and Credit Society Ltd., Chandigarh ...Petitioner

Vs

Inspector Grade II (General)-cum-Arbitrator Cooperative Societies, U.T.,
Chandigarh and others ...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None for the petitioner.

Mr. Raj Kaushik, Advocate
for official liquidator.

Mr. Jaivir Singh Chandail, Addl. Standing Counsel with
Mr. Vikas Garg, Advocate
for respondent No.3.

Mr. Jaspreet Singh Gill, Advocate
for respondents No.4 to 6.

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JAISHREE THAKUR J. (ORAL)

The instant writ petition has been filed seeking to challenge the
order dated 25.09.2014 (P-12) as passed by respondent No.3 in Revision
Petition No.72 of 2013 filed by respondents No.4 to 6.

In short the facts that can be culled out are that respondent No.4,
Kuldip Kaur wife of Satinder Singh had deposited an amount of Rs.3,61,745/-
with the petitioner-society in the form of FDRs and on maturity, the sum was
to be released to Kuldip Kaur, however, despite repeated requests, the same
was not released. Consequently, Kuldip Kaur filed an arbitration application
under Section 55 of the Punjab Cooperative Societies Act seeking release of
the sum, which was declined by respondent No.1 by *inter alia* holding that
she was not member of the petitioner-society. The said order was also upheld

in the appeal. Aggrieved against denial of the maturity amount of FDRs, the said Kuldip Kaur and her two children had approached respondent No.3 in revision petition. The revision petition was allowed vide order dated 25.09.2014 holding that Kuldip Kaur would be entitled to claim said amount and the matter was remanded back to the Arbitrator for deciding the matter afresh. Aggrieved against the said order of respondent No.3, the instant writ petition has been filed.

The instant writ petition was listed for hearing on 09.05.2019 on which date, following order was passed:-

“Counsel for the petitioner is unable to dispute the factum that the amount stands deposited with the Society is by Kuldip Kaur, Harjot Kaur and Samardeep Singh and that too in their individual capacity. It is also not disputed that the said respondents are not the members of the Society. If that be so, it is difficult to accept the stand of the petitioner-Society as to how they are holding on to the said amount.

Counsel for the petitioner prays for and is granted two weeks' time to file an affidavit indicating therein as to whether any loan is outstanding against respondents No.4 to 6 or that the FDRs which have been created in pursuance to the amount deposited by respondents No.4 to 6 are pledged to the said loan with their consent or not?

List on 09.08.2019 for further consideration.”

Thereafter, substantial hearing of the case could not take place.

On 04.02.2020, it was brought to the knowledge of this Court that an official liquidator had been appointed to manage the affairs of the society by the Registrar, Cooperative Societies, U.T. Chandigarh vide order dated 09.09.2019.

Learned counsel appearing on behalf of the official liquidator would submit that the official liquidator is now managing affairs of the society

and is exercising the powers under Section 59 of the Punjab Cooperative Societies Act, 1961 as applicable to the petitioner-society. He very fairly submits that the issue pertaining to respondents No. 4 to 6 i.e. Kuldip Kaur and her children would be decided in terms of Section 59 quoted aforesaid.

Learned counsel appearing on behalf of respondents No.4 to 6 would urge that issue regarding entitlement of respondents No.4 to 6 to receive the deposit of FDRs with the petitioner-society already stands settled as acknowledged vide order dated 09.05.2019.

At this stage, learned counsel appearing on behalf of the petitioner represented through official liquidator acknowledges the fact that the said order has been passed. He submits that respondents No.4 to 6 would be treated as members of the petitioner-society and fact that they had deposited the said amount in the form of FDRs is also settled. However, he submits that a loan has been taken against said FDRs and that issue is yet to be decided.

In view of the aforesaid situation, since the official liquidator has been appointed, the instant petition stands disposed of by directing the official liquidator to decide the issue regarding refund of the amount by taking into consideration the aspect, whether or not loan has been advanced against said FDRs within a period of six months. Needless to say, official liquidator would exercise his powers under Section 59 of the Punjab Cooperative Societies Act.

(JAISHREE THAKUR)
JUDGE

September 12, 2022

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No