

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-4636-2023 (O&M)
Date of Decision:-21.08.2023

Punjab State Co-Op Supply and Marketing Federation Ltd.

... Petitioner

Versus

Amarjit Singh Brar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ankit Kumar, Advocate with
Mr. Sahildeep Singh Sidhu, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner-Punjab State co-operative Supply and Marketing Federation Ltd. assails order dated 10.12.2019 (Annexure P-5) passed by the Deputy Registrar, Cooperative Societies, Ferozepur, in proceedings under Section 55/56 of Punjab Cooperative Societies Act, 1961 wherein the petition has been dismissed for not having been filed within limitation. The petitioner also assails order dated 31.8.2021 (Annexure P-7) passed by the Joint Registrar Cooperative Societies (appellate authority) vide which the appeal has also been dismissed on merits.

2. Learned counsel for the petitioner submits that the impugned order i.e. order dated 31.8.2021 (Annexure P-7) passed by the Joint Registrar (respondent No.3) came to be passed against the petitioner as correct information was not furnished to respondent No.3 and he was rather misled by respondent No.1- Amarjit Singh Brar. Learned counsel for the petitioner in this regard has drawn the attention of this Court to letter dated 14.1.2022 written by Chief Manager, Markfed Chandigarh (Foodgrain Section) to the Law Officer Markfed. It has further been submitted that there is ample evidence to show that respondent No.1 was responsible for causing loss to the tune of Rs.45,85,200/- by not taking care of the foodgrains store which got damaged due to rain.
3. This Court has considered the aforesaid submission.
4. It is not in dispute that the matter pertains to the wheat crop for the year 2014-15 which is stated to have been damaged due to heavy rain fall during the period 10.5.2014 to 18.5.2014. It is also not in dispute that respondent No.1 had remained posted as Field Officer, Branch Incharge at Markfed Branch, Ferozepur w.e.f. 27.4.2012 to 28.5.2014. The proceedings under Sections 55/56 of the Act were initiated against respondent No.1 on 2.3.2018. The petitioner had also retired by the said time. The proceedings, having been initiated beyond three years are time barred as had been held by the Deputy Registrar. Interestingly, the Joint Registrar while deciding the appeal did not touch the aspect of limitation and straightaway discussed the merits and dismissed the appeal.
5. In view of the aforestated discussion wherein the proceedings under Sections 55/56 of the Act are found to be time barred as had also been held by the

Deputy Registrar, and the said findings as regards limitation have neither been discussed nor been reversed in appeal, this Court does not find any valid ground to interfere with the impugned orders and the same are hereby upheld.

6. Finding no merit in the instant petition and the same is hereby dismissed.

21.08.2023

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(GURVINDER SINGH GILL)
JUDGE

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