2023:PHHC:098226

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

CWP-18391-2018 (O&M)
Date of Decision:- 1.8.2023

Punjab State Co-operative Supply & Marketing Federation Ltd.

...Petitioner

Versus

Special Secretary, Co-operation (Appeals) Punjab, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amrinder Singh Sidhu, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. Tahaf Bains, Advocate for respondent No. 4.

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GURVINDER SINGH GILL, J.

1. The petitioner - Punjab State Co-operative Supply and Marketing Federation Ltd. (hereinafter referred to as 'MARKFED'), a State Government Public Sector Undertaking assails order dated 17.10.2014 (Annexure P-2) passed by the Joint Registrar, Co-operative Societies, Patiala Division, Patiala vide which a petition filed by Markfed under Sections 55/56 of the Punjab Co-operative Societies Act, 1961 (hereinafter referred to as 'the Act') for recovery of an amount of Rs. 57,30,959/- alongwith interest from respondent No. 4 – Harjit Singh (now represented through his Legal Representatives) has been dismissed. The petitioner also assails order dated 9.2.2016 (Annexure P-3) passed by the Appellate Authority - Additional Registrar

(D), Cooperative Societies, Punjab, Chandigarh as well as order dated 12.10.2017 (Annexure P-1) passed by Special Secretary, Cooperation (Appeals), Punjab, Chandigarh exercising revisional powers under Section 69 of the Act wherein order dated 17.10.2014 (Annexure P-2) has been upheld.

2. Respondent No. 4 – Harjit Singh had been working as a Field Officer, MARKFED Branch, Patiala and was custodian of the stock of wheat crop for the years 2000-2001, 2001-2002 and 2003-2004 and it is alleged that the stock in respect of the said years was damaged leading to loss of Rs.57,30,959/- which was sought to be recovered by the petitioner – MARKFED by way of invoking provisions of Sections 55/56 of the Act.

3. The short point involved in the present case pertains to the limitation for initiating arbitration proceedings in terms of Section 55/56 of the Act. The stocks in question were stored during the period 2000-2001 to 2003-2004 and were to be lifted after a period of about 4 years approximately. It was in the year 2007 when the stocks were lifted that the loss was assessed. However, the petition under Section 55/56 of the Act came to be instituted on 4.11.2011 i.e. beyond a period of 3 years. The Joint Registrar, Co-operative Societies, Patiala, thus, dismissed the petition on grounds of limitation having been filed beyond the prescribed period of three years. The said findings were duly upheld in appeal filed under provisions of Section 68 of the Act and also in revision filed under provisions of Section 69 of the Act. Although, under the Act, no specific limitation is prescribed with respect of any petition filed under Sections 55 of the Act but it has consistently been held by this Court that the limitation would be three years in respect of the petitions under Section 55 of the Act for recovery of the

damages etc. The particulars of some of the said judgments are stated herein-under :-

Sr. No.	Case No.	Title
1	CWP-23650/2014	The Punjab State Supply & Marketing Federation Ltd. Versus State of Punjab.
2	CWP-1088/2010	S.S. Kainth Versus Financial Commissioner (Cooperation)
3	CWP-3873/2017	The Punjab State Supply & Marketing Federation Ltd. Versus Financial Commissioner (Cooperation)
4	CWP-334/2017	The Punjab State Supply & Marketing Federation Ltd. Versus Additional Registrar (D) & Others
5	LPA-1369/2017	The Punjab State Supply & Marketing Federation Ltd. Versus Additional Registrar (D) & Others
6	CWP-3033/2012	Balbir Singh Jammu Versus FCC and others
7	LPA-755/2013	Balbir Singh Jammu Versus FCC and others
8	CWP-10131-2018	The Punjab State Co-operation Supply & Marketing Federation Ltd. Versus Additional Registrar Cooperative Societies, Punjab and others

4. The aforesaid judgments are consistent to the effect that while the limitation for raising a claim in terms of Section 55 of the Act is three years, the limitation prescribed for filing an appeal in terms of Section 68 of the Act so as to challenge order passed under Section 55 of the Act is 60 days and that the Appellate Authority does not have any power to condone the delay in filing appeal. Although, during the course of arguments, the learned counsel representing the petitioner cited a Single Bench judgment of this Court rendered in *2014(4) RCR (Civil) 608 – The Chandigarh Pepsu Cooperative House Building versus The Secretary, Department of Cooperation and others* to contend that provisions of Limitation Act, 1963, do not stand attracted to proceedings under Sections 55/56 of the Act, as the said

proceedings are not in the nature of a suit, appeal or application but having regard to the plethora of judgments as noted above including judgments by Hon'ble Division Benches, the view taken by the aforesaid Single Bench will not take precedence. Consequently, the findings as regards limitation, having been returned against the petitioner do not call for any interference.

5. In view of the discussion made above, this Court does not find any infirmity in the impugned order dated 17.10.2014 (Annexure P-2), order dated 9.2.2016 (Annexure P-3) and order dated 12.10.2017 (Annexure P-1) and the same are hereby upheld.

6. The petition is sans merit and the same is hereby dismissed.

1.8.2023 **(Gurvinder Singh Gill)**
kamal **Judge**

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