

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

CWP-31453-2019 (O&M)
Date of Decision:-09.08.2023

Manmohan Singh Sandhu and others ... Petitioners

Versus

Additional Chief Secretary-Cum-Financial
Commissioner and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Satveer Singh Badal, Advocate, for the petitioners.

Ms. Ishma Randhawa, Addl. AG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners herein assail order dated 22.8.2019 passed by Additional Chief Secretary-cum-Financial Commissioner, Cooperation, Punjab, Chandigarh (Annexure P-4) wherein an appeal filed by the petitioner in terms of Section 68 of Punjab Cooperative Societies Act, so as to challenge order dated 25.3.2019 has been dismissed mainly on the ground of limitation i.e. the appeal being barred by 66 days.
2. Learned counsel for the petitioners places reliance upon a judgment dated 01.06.2023 rendered by Co-ordinate Bench in a bunch of cases, the lead case being CWP-1187 of 2017 titled as Punjab State Co-op Supply Marketing Federation (Marked) Vs. Financial Commissioner (Co-operation), Punjab and others, wherein this very issue arising with respect to limitation for filing appeal under Section 68 of Punjab Cooperative Societies Act, 1961 has

been adjudicated. The relevant extract from the said judgment reads as under:

“23. In view of above, when the basic principle underlying Section 5 is tested on the touchstone of the scheme of 1961 Act, this Court finds that condoning the delay for sufficient cause not only advances the object of the Act, but rather taking the other view would militate the very soul of the co-operative movement i.e. mutual co-operation. Without doubt speedy disposal is essence of judicial process, yet the doors cannot be closed to entertain the plea based upon sufficient cause.

24. Thus, the authority erred in law in rejecting the appeals without testing the sufficient cause shown by the petitioner for not preferring the appeal within the prescribed period.”

3. It has also been informed that although the State had preferred a review application against the aforesaid judgment i.e. RA-CW-276-2023, but the same has also been dismissed on 08.08.2023.
4. Nothing to the contrary could be shown by learned State counsel.
5. Having regard to the ratio of Punjab State Co-op Supply Marketing Federation (Marked) Vs. Financial Commissioner (Co-operation), Punjab and others (Supra), the petition is disposed off and the impugned order (Annexure P-4) is set aside. The matter is remanded back to the appellate authority to consider the matter pertaining to condonation of delay afresh and to proceed further in accordance with law. The petitioners are directed to appear before the appellate authority on 12.09.2023.

09.08.2023

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No