

103.

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

CWP-5018-2020

Date of Decision: 14.03.2023

**PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED**

.... Petitioner

Versus

**THE MULLANPUR CO-OPERATIVE MARKETING CUM
PROCESSING SOCIETY LIMITED AND ORS**

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naresh Gopal Sharma, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

The present writ petition has been filed seeking to challenge Annexures P-1 and P-2 as passed by the Inspector, Cooperative Societies, Ludhiana and the Assistant Registrar, Cooperative Societies, Ludhiana, whereby the Arbitrator has allowed the claim of respondent No.1 in arbitration proceedings entitling it to recover a sum of Rs.1,35,000/- along with costs and interest from the petitioner.

Notice of motion.

At this stage, Mr. Shiv Kumar, Advocate, has put in appearance and accepts notice on behalf of respondent No.1. Mr. Vishnav Gandhi, DAG, Punjab, accepts notice on behalf of respondents No.2 and 3.

At the very outset, counsel appearing on behalf of the petitioner would submit that in fact a wrong forum has been chosen and the petitioner

herein would have to file a revision under Section 69 of the Punjab Cooperative Societies Act, 1961. He seeks permission to withdraw the writ petition with liberty to approach the authority concerned, however, would pray that the benefit of extension of limitation be allowed to it.

I have heard learned counsel for the parties and in view of the fact that the petitioner has approached this Court without availing of his remedy as available under Section 69 of the Punjab Cooperative Societies Act, 1961 and seeks to withdraw the petition, the instant writ petition is dismissed as withdrawn with liberty to the petitioner to approach the authority concerned under Section 69 of the aforesaid Act. In case the petitioner moves an appropriate application seeking extension of limitation under Section 14 of the Limitations Act, 1963, along with revision petition within a period of two weeks on receipt of certified copy of this order, the said application would be decided in accordance with law.

Mr. Shiv Kumar, Advocate, appearing on behalf of respondent No.1 very fairly submits that in view of the withdrawal of the writ petition, in case the needful is done as undertaken herein before the request for condonation of delay would not be opposed on their part.

(JAISHREE THAKUR)
JUDGE

14.03.2023

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