



CWP-9809-2000(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9809-2000(O&M)
Date of decision:-07.11.2024

Santokh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.H.S. Bedi, Advocate
for the petitioner.

Ms.Amrita Garg, AAG, Punjab.

Mr.R.K. Sharma, Advocate
for respondent No.5.

SUVIR SEHGAL, J.(ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of certiorari for quashing of award dated 15.06.1994 passed by the Arbitrator, appellate order dated 13.07.1998 and revisional order dated 17.02.2000, Annexures P1, P2 and P4, respectively passed under the Punjab Cooperative Societies Act, 1961 (for short "the 1961 Act").

2. Facts leading to the filing of the petition are that an arbitration case for recovery of an amount of Rs.14.934.75 along with

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interest and cost totaling, Rs.25,660/- was prepared by the society – respondent No.5. Inspector, Cooperative Societies, Sarupwali was appointed as an Arbitrator, who fastened the liability on the petitioner vide award dated 03.08.1993. Petitioner challenged the award by filing an appeal, which was accepted and the matter was remitted to the Arbitrator. Sh. Joginder Singh, Inspector was appointed as a fresh Arbitrator and vide impugned award dated 15.06.1994, Annexure P1, he fixed the liability on the petitioner and awarded interest @ 15% per annum till the recovery of the principal amount. Petitioner remained unsuccessful in an appeal and revision, which was rejected vide impugned orders, Annexure P2 and P4.

3. Mr. Bedi, counsel for the petitioner has contended that the petitioner was working as a driver with the Punjab Roadways, Batala and was residing in village Kotla Sharaf, Tehsil Batala, District Gurdaspur. He submits that his village falls within the area of Ghasitpura Cooperative Agricultural Society Ltd. and was not in the area of operation of society – respondent No.5, which had raised the dispute. He urges that the petitioner was neither the member of the society nor did he take loan from it. It is his assertion that he never executed any pronote or any other document for the advancement of the loan and the arbitral proceedings have been conducted without impleading the Secretary of the society, who had fabricated the loan documents.

4. Upon notice by this Court, writ petition has been contested by the respondents by filing separate written statements. In their response, society – respondent No.5 has taken a stand that the petitioner



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was its member and had taken a loan from the society. A stand has been taken that the petitioner executed a pronote for the advancement of the loan and has deliberately concealed material facts and levelled false allegations against the then Secretary of the society. Counsel for the respondents have supported the orders under challenge and submit that they are in possession of documents to show that the petitioner was a member of the society and loan was advanced to him.

5. I have heard counsel for the parties and considered their respective submissions besides examining the documents placed on record.

6. A perusal of the impugned award, Annexure P1, shows that the learned Arbitrator had summoned the record from the bank and had found that the petitioner was issued a cheque-book. Petitioner drew a cheque bearing No.70252 dated 29.06.1984 and withdrew a sum of Rs.7,500/-. This is evident from the cash book summoned from the bank. The record summoned from the society has been examined by the Arbitrator, which shows that the application for loan submitted by the petitioner was approved by the Managing Committee of the society on 27.06.1984 and he had received the amount of Rs.15,000/- after signing in the presence of witnesses and sureties, namely, Darbara Singh son of Hazara Singh and Gurmukh Singh son of Ram Singh. Besides this amount, petitioner had received fertilizer worth Rs.7434-75. On the basis of the ocular and documentary evidence lead before him, the Arbitrator came to the conclusion that the loan was advanced to the petitioner and he was liable to refund it along with interest. Although an appeal filed by the petitioner under Section 68 of the 1961 Act was

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dismissed as time barred by the Appellate Authority vide impugned order, Annexure P2, but in a petition preferred before respondent No.2, the revisional authority has examined all the documents and has affirmed the award vide his order dated 17.02.2000, Annexure P4. Assertion of the counsel for the petitioner that the petitioner was not a member of the society is vague as the documents and evidence produced before the Arbitrator, are to the contrary. This Court does not find any reason to disagree with the findings recorded by the authorities. There is no merit in the writ petition, which is hereby dismissed with no order as to costs.

7. Pending application (s), if any, stand disposed of.

(SUVIR SEHGAL)
JUDGE

07.11.2024
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No