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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **OMP (ENF.) (COMM.) 218/2022, EX.APPL.(OS) 642/2023 &
EX.APPL.(OS) 674/2023**

**UNION OF INDIA THROUGH THE
SECRETARY MINISTRY OF DEFENCE Decree Holder
Through: Mr Sushil Kumar Pandey, SPC**

versus

**M/S M.P STATE CO-OIL SEED GROWERS FEDERATION LTD.
..... Judgement Debtor
Through: Mr Gopal Jha and Mr Umesh Kumar
Yadav, Advs.**

**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER
08.01.2024**

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1. This is a petition seeking execution of the Arbitral Award dated 25.07.2012. The Arbitral Award was made in favour of the decree-holder to the tune of Rs. 4,35,30,095/- along with interest. The respondent challenged the same vide OMP (COMM) No. 119/2020 and the same was allowed and this Court modified the Award as under:

“16. In view of the above, the impugned award to the extent it awards any amounts in excess of Rs.3,97,50,000/- and interest at the rate of 21%per annum from 22.02.1999 till the date of payment is set aside.”

2. Mr Pandey, learned counsel for the judgment-debtor states that as of today about more than Rs. 15 crores is due and payable by the judgment-



debtor

3. Mr Gopal Jha, learned counsel appears for the judgment-debtor and states that the judgment-debtor is in liquidation and as per Section 82 of the M.P. Co-operative Societies Act, 1960, no proceedings can continue against a Society being wound up. Section 82 of the M.P. Co-operative Societies Act, 1960 reads as under:

“82. Bar of jurisdiction of Courts.-(1) Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of-

(a) the registration of a society or of bye-laws or of an amendment of a bye-law;

(b) the removal of a committee and the management of the society after such removal;

(c) any dispute, required to be referred to the Registrar or his nominee or board of nominees;

(d) any matter concerning the winding up and the dissolution of a society.

(2) While a society is being wound up, no suit or other legal proceedings relating to the business of such society shall be proceeded with, or instituted against, the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.

(3) Save as provided in this Act, no order, decision or award made under this Act shall be questioned in any court on any ground whatsoever.”

4. In view of the clear provisions of Section 82 of the M.P. Co-operative Societies Act, 1960, the present execution will not lie at this stage. The



decree-holder is at liberty to approach the Registrar, Co-operative Societies in accordance with Section 82 and take appropriate steps in that regard.

5. Granting the liberty to the decree-holder as aforesaid, the execution petition is disposed of.

JASMEET SINGH, J

JANUARY 8, 2024

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[Click here to check corrigendum, if any](#)