



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

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LPA-189-2016 (O&M)

Date of Decision: 09.09.2025

Managing Director, Meham Coop. Sugar Mills Ltd.**....Appellant****Versus****Haryana State Cooperative Labour and Construction Federation Ltd.
and others****....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****----****Present:** Mr. Vijay Pal, Advocate for the appellant.

Mr. P.S.Mattewal, Advocate for respondent No.1.

***********Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the order dated 07.01.2015 passed in CWP-12985-1997 by the learned Single Judge, by which, the writ petition filed by the Haryana State Cooperative Labour and Construction Federation Limited was allowed and the order dated 23.06.1997 passed by the Government while exercising the power of revision under Section 115 of the Haryana Cooperative Societies Act, 1984 (hereinafter for short to be referred as 'the 1984 Act'), has been held to be not maintainable which is causing prejudice to the appellant company.

2. Learned counsel for the appellant argues that the finding which has been recorded by the learned Single Judge that the revision under Section 115 of the 1984 Act, was not maintainable against the order dated 14.01.1997 passed by the Registrar Co-operative Societies, Haryana, during the arbitration



proceedings, is incorrect as, Section 115 of the 1984 Act, also permits revision in arbitration matters. The second argument which has been raised by the learned counsel for the appellant is that the award dated 31.07.1996 passed by the Arbitrator was not a speaking award and therefore, could not have been allowed to operate to decide the issues between the parties.

3. Learned counsel appearing on behalf of respondent No.1 submits that the issue whether the revision petition is maintainable under Section 115 of the 1984 Act, has already been decided by the Hon'ble Supreme Court of India in **Civil Appeal No.4773 of 2006** titled as ***The Shahabad Cooperative Sugar Mills Limited vs. Special Secretary to Government of Haryana Corp. and others***, decided on 10.11.2006, wherein, it has been held that where, the arbitration proceedings have been availed, the revision before the State Government under Section 115 of the 1984 Act, is not maintainable. Learned counsel for respondent No.1 submits that the order passed by the learned Single Judge is in conformity with the settled principle of law settled by the Hon'ble Supreme Court of India.

4. Further, the learned counsel for respondent No.1 submits that with regard to the argument that the award passed by the Arbitrator dated 31.07.1996 was non-speaking, the learned counsel submits that the issues raised before the Arbitrator were duly considered and decided. Therefore, it cannot be interpreted that reasons are required for every aspect, since the findings have already been recorded on the basis of the evidence which have been brought on record.

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.



6. The issue whether the revision petition was maintainable under Section 115 of the 1984 Act, already stands decided by the Hon'ble Supreme Court of India in ***The Shahabad Cooperative's case (supra)***. The relevant paragraphs No.27, 29 and 33 of the judgment are as under:-

“27. The State cannot exercise its revisional jurisdiction if an appeal lies before it. If an appeal lies, a revision would not lie. Admittedly, the 3rd respondent preferred an appeal before the Registrar. Such an appeal was purported to have been filed from an order passed by the Board. The 3rd respondent did not invoke the provision for arbitration. We have noticed hereinbefore that the disputes and differences between the Society and an employee is referable to arbitration in terms of Section 102 of the Haryana Act. An appeal is maintainable against an award of the Arbitrator before the State. On this ground alone the revision petition was not maintainable. Faced with such a situation, Mr. Gupta contended that no appeal was maintainable before the Registrar. The said contention of Mr. Gupta cannot be accepted for more than one reason. The 3rd respondent himself took recourse to the said remedy. Having taken recourse to the said remedy and having himself invoked Appellate jurisdiction before the Registrar, it does not lie in his mouth to contend that no appeal was maintainable. Before the revisional authority he primarily questioned the order passed by the disciplinary Authority, as also order passed by the Appellate Authority. It had never been the contention of the 3rd respondent that the revision application was filed by him directly against the order passed by the Board of Directors. No revision application would have even then been maintainable. Even if it would be so, the appellant herein was entitled to raise the contention that having regard to the provisions of Section 102 of the Haryana Act, an appeal or a revision was not maintainable. It is now well settled that if an appeal lies, the revisional jurisdiction could not be exercised.



{See A.M. Chengalvaroya Chetty vs. The Collector of Madras & Ors. [AIR 1965 Mad. 376].

29. We, therefore, are of the opinion that the order of the state Government having been passed without jurisdiction was a *coram non judice*. {See MD, Army Welfare Housing Organisation vs. Sumangal Services (P) Ltd.[2004] 9 SCC 619], Zahira Habibullah, Sheikh & Anr. vs. State of Gujarat & Ors. [(2004) 4 SCC 158], Harshad Chiman Lal Modi vs. DLF Universal Ltd. & Anr. [(2005) 7 SCC 791] and Gyanmandir Mahavidhyalaya Samity vs. Udailal Jaroli & Anr. [(2005) 10 SCC 603].}

33. For the reasons aforementioned we are of the opinion that the High Court was not correct in holding that the State of Haryana was entitled to exercise its revisional jurisdiction in the facts of the present case.”

7. Learned counsel for the appellant has not been able to dispute the said principle of law as, the present proceedings also arise of the arbitration proceedings between the parties.

8. With regard to the argument that the award dated 31.07.1996 passed by the Arbitrator was not a speaking order giving reasons for each and every aspect, it may be noticed that the arbitration proceedings have been structured to address the issues framed. The same is to be decided by the Arbitrator. Further, the reasons have been given while passing the said award, which are sufficient.

9. The last argument raised by the learned counsel for the appellant is that the cost imposed by the learned Single Judge may kindly be waived off.

10. Keeping in view the facts and circumstances, the cost imposed by the learned Single Judge, is waived off.



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11. Keeping in view of the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.
12. Accordingly, the appeal is dismissed.
13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 09, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No