



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

**CWP-7116-2019 (O&M)
Date of Decision:-19.02.2026**

The Haryana State Cooperative Supply and Marketing Federation Limited

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Dinesh Kumar Jangra, Advocate for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana.

Mr.R.S. Panghal, Advocate for respondent No.3..

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 23.06.2016 (Annexure P-12) passed by the Additional Chief Secretary to Government, Haryana, Cooperation Department, Chandigarh (respondent No.1), as well as the impugned order dated 26.09.2011 (Annexure P-11) passed by the Additional Registrar (Marketing), Cooperative Societies, Haryana, Panchkula (respondent No.2), and further for issuance of a writ in the nature of mandamus directing respondent No.3–Mahendergarh Central Cooperative Bank Limited to make payment of loss amounting to Rs. 22,66,406/- allegedly caused to the petitioner.



2. Learned counsel appearing on behalf of the petitioner while briefly stating the facts of the case, submitted that the petitioner, namely the Haryana State Cooperative Supply and Marketing Federation Limited (HAFED), is a cooperative society registered under the Haryana Cooperative Societies Act, 1984. Respondent No.3 namely Mahendergarh Central Cooperative Bank Limited, is also a cooperative society registered under the aforesaid Act. The fertilizers supplied by HAFED to farmers were routed through mini banks and payments were made through cheques deposited with respondent No.3-bank. The amount so deposited was required to be credited in favour of the petitioner within a period of four days from the date of presentation of the cheques. In this regard he referred to the instructions dated 18.07.1990 issued by the Registrar, Cooperative Societies, Haryana, vide Annexure P-1 and also to the proceedings of the meeting regarding fertilizer policy held on 30.06.1994 in the office of the Registrar, Cooperative Societies, Haryana, Chandigarh in which various senior officers of the State Government, the petitioner-HAFED, HARCO Bank and other cooperative institutions were present. In the said meeting, it was resolved that when a cheque is presented before the bank, it shall be credited in favour of the petitioner-HAFED on or before the fourth day from the date of presentation. It was further resolved that the cooperative banks would ensure collection of outstation cheques within four days and, in case of failure, the responsibility for delay would be fixed and HAFED/Marketing Federation would be given credit by debiting the Bills Purchased A/C on the fourth day from receipt of the cheques. He further submitted that, in this manner, by virtue of the aforesaid decision taken in the proceedings of the meeting, the amount was



required to be credited by respondent No.3—bank in favour of the petitioner within four days.

3. He further submitted that since several cheques were not credited within the stipulated period of four days, the petitioner invoked the dispute resolution mechanism under Sections 101 and 102 of the Haryana Cooperative Societies Act, 1984, which are in the nature of arbitration proceedings. The Deputy Registrar, Cooperative Societies, Haryana, vide order dated 27.01.2003 (Annexure P-6), while dealing with the claim under Sections 101 and 102 of the Act, observed that the petitioner should raise its claim before the Chairman, Settlement Committee/Deputy Registrar (Marketing), Cooperative Societies, within a period of 30 days and that the Deputy Registrar, Cooperative Societies, Bhiwani being the Chairman of the Settlement Committee, shall decide the same within a period of 60 days. In this manner, by way of the aforesaid order, the matter was referred to the Settlement Committee headed by the Deputy Registrar, Cooperative Societies, Bhiwani. Thereafter, the aforesaid Committee, under the chairmanship of the Deputy Registrar Cooperative Societies, Bhiwani, vide order dated 22.09.2006 (Annexure P-7), so decided that considering the difficulties of the bank, the claim filed by the petitioner—HAFED amounting to Rs. 22.06 lakhs could not be treated as proper. It was further so decided that if the bank commits delay of more than 15 days, then the bank would pay interest on that amount @ 7% per annum to HAFED, since a period of 15 days was considered reasonable.

4. Learned counsel for the petitioner further submitted that in this manner the Settlement Committee so decided that if the delay is caused for



more than 15 days, interest has to be paid @ 7% per annum. He submitted that in pursuance of the aforesaid order, the petitioner was paid an amount of Rs. 2,59,553/- by calculating interest @ 7% per annum wherever the cheques were credited beyond 15 days. However, the aforesaid amount was accepted by the petitioner under protest and the interest calculation in this regard was also disputed. Thereafter, the petitioner filed an application before the Additional Registrar (Marketing), Cooperative Societies, Haryana, Panchkula, raising its grievances. However, the same was decided by the Additional Registrar (Marketing), Cooperative Societies, Haryana, vide order dated 26.09.2011 (Annexure P-11), by observing that the Disputes Settlement Committee, in which HAFED had also participated, had granted interest of Rs. 2,59,553/- and that the Deputy Registrar, Cooperative Societies had taken the decision after examining all relevant aspects relating to the business dealings between the two cooperative institutions and following the cooperative principle of cooperation among cooperatives. It was further observed that there was no ground for setting aside the order passed by the Deputy Registrar, Cooperative Societies in the Settlement Committee proceedings and that there is no provision of appeal and fresh arbitration cannot be filed on an already decided matter. On the basis of these observations, the Additional Registrar declined to interfere. Thereafter the petitioner approached the Additional Chief Secretary to Government, Haryana, Cooperation Department, Chandigarh, who also vide order dated 23.06.2016 (Annexure P-12) dismissed the application filed by the petitioner which was stated to be an appeal. He submitted that in this manner the



present petition has been filed challenging the aforesaid two impugned orders, namely Annexures P-11 and P-12.

5. Learned counsel further submitted that once a policy decision was taken by way of a meeting dated 30.06.1994, the proceedings whereof have been placed on record as Annexure P-2, in the presence of senior officers of the State Government, the petitioner–HAFED and other cooperative institutions, then there was no occasion for the Deputy Registrar (Marketing), Cooperative Societies, to have departed from the aforesaid decision, whereby it was so resolved that the bank has to credit the amount within a period of four days. He further submitted that even if some partial amount has been paid in pursuance of the direction of the Settlement Committee, which was accepted by the petitioner under protest, the same would not mean that the petitioner has accepted the said decision. He submitted that the petitioner is entitled to the remaining amount of interest from the date of expiry of four days from the presentation of the cheques and the same is liable to be calculated and paid by respondent No.3–bank.

6. On the other hand, learned counsel for respondent No.3 opposed the aforesaid prayer made by learned counsel for the petitioner and submitted that the petitioner has wrongly calculated the amount in respect of which the grievance has arisen. He further submitted that the Settlement Committee, which was headed by the Deputy Registrar, Cooperative Societies, Bhiwani has rightly considered the entire issue in a holistic manner by observing that due to the operational difficulties being faced by the bank, no interest could be paid after the period of four days. However, it was also so observed that if the delay exceeds 15 days then interest @ 7% per annum shall be payable. He



submitted that the petitioner ought to have been satisfied with the aforesaid amount and that the Settlement Committee headed by the Deputy Registrar, Cooperative Societies, Bhiwani, has rightly decided the issue.

7. He further submitted that when the petitioner filed an application before the Additional Registrar (Marketing) Cooperative Societies, Haryana, Panchkula, the same was not maintainable as there is no provision of law for filing such an application once the matter stood decided under Sections 101 and 102 of the Haryana Cooperative Societies Act, 1984. He submitted that at the most the order passed by the Deputy Registrar Cooperative Societies could have been challenged by way of revision if permissible under law but no such revision was filed. He submitted that for this reason Additional Registrar (Marketing) Cooperative Societies, Haryana, Panchkula, vide order dated 26.09.2011 Annexure P-11 observed that there was no provision of appeal once the matter stood decided under Sections 101 and 102 of the Act. He further submitted that there is no provision under which the petitioner could have filed an appeal before the Additional Chief Secretary to Government, Haryana, Cooperation Department, Chandigarh and therefore the impugned orders Annexures P-11 and P-12 are in accordance with law and the present petition deserves to be dismissed.

8. Learned State counsel submitted that the respondent State has no role to play in the present controversy. He further submitted that Annexure P-2 is merely directory in nature and is not enforceable as the same lacks statutory force.

9. I have heard learned counsels for parties.



10. The factual position so stated by learned counsel for the parties is not in dispute. There are two issues involved in the present case. Firstly as to whether the petitioner can invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for enforcement of Annexure P-2 which is a decision taken by a Committee without there being any statutory force or under any rule or any provision of law. Secondly, as to whether any such application is maintainable before the Additional Registrar (Marketing) Cooperative Societies, Haryana, Panchkula and thereafter before the Additional Chief Secretary to Government Haryana Cooperation Department, Chandigarh because the two orders passed by the aforesaid two authorities are under challenge before this Court seeking a writ in the nature of certiorari in this regard.

11. So far as the first issue which is involved in the present case is concerned, a perusal of Annexure P-2 would show that it was a decision which was taken by a Committee consisting of various officers including a State level officer, the petitioner HAFED, the respondent bank etc. and it was a decision which was taken on the administrative side. No provision of law either under the Haryana Cooperative Societies Act, 1984 or under the Rules or any other enforceable provision of law could be pointed out by the petitioner in this regard. In this way it is very clear that the aforesaid Annexure P-2 was not issued under any statutory provision of law having any statutory force or any enforceability under any provision.

12. Apart from the above, a perusal of the aforesaid would show that it was so decided that the credit is to be made within four days and a consequence of the same which is so provided therein is that in default of the



same the responsibility of the claim is to be fixed. However no such penal consequence or grant of interest has been so provided in the aforesaid decision. Still when the matter went to the Settlement Committee the Settlement Committee headed by the Deputy Registrar Cooperative Societies took a holistic view in this regard and also decided that because of the operational difficulty of the bank if the credit is not made within 15 days then interest @ 7% is to be given to the petitioner HAFED and consequently some amount was paid to the petitioner which the petitioner accepted under protest. Therefore this Court is of the considered view that so far as the basic primary grievance of the petitioner with regard to the alleged infringement of Annexure P-2 is concerned the same is not sustainable in view of the fact that the same is not enforceable under law having no statutory force and therefore interference under Article 226 of the Constitution of India is unwarranted.

13. So far as the second aspect is concerned a perusal of Annexures P-11 and P-12 would show that after the matter was decided under Sections 101 and 102 of the Haryana Cooperative Societies Act 1984 by the Deputy Registrar Cooperative Societies the petitioner has not invoked any provision of revision before the Registrar Cooperative Societies or the Additional Chief Secretary to Government Haryana Cooperation Department but preferred an application on the basis of which, the same was decided by the Additional Registrar (Marketing) Cooperative Societies, Haryana, Panchkula and thereafter he approached by way of an appeal before the Additional Chief Secretary to Government, Haryana, Cooperation Department, Chandigarh, which was also dismissed. This Court finds force in the arguments raised by learned counsel for respondent No.3 that the impugned orders Annexures P-11



and P-12 are in accordance with law as the proceedings initiated by the petitioner by filing of a mere application were not even maintainable. On this ground as well the challenge laid to Annexures P-11 and P-12 cannot sustain.

14. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present petition is devoid of merit and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

19.02.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No