

Arun Kumar Goyal Vs. State of Haryana and others

Present: Mr. Ankur Dua, Advocate, for the petitioner.

The issue in hand pertains to execution of Award dated 26.10.2020 (Annexure P-3).

Learned counsel submits that the said Award can be executed only after he has a “Recovery Certificate” which under the Delhi Co-operative Societies Act is to be issued in the shape of Form No.27. It has been submitted that although the petitioner had applied to the Registrar, Cooperative Societies at Delhi for issuance of a certificate, but the Registrar Co-operative Societies, Delhi instead of issuing the certificate, transferred the matter to the Registrar, Cooperative Societies, Haryana on the premises that the Judgment Debtor-Bank namely Vaish Coop Commercial Bank Ltd. stands merged with Panipat Urban Cooperative Bank Ltd. which falls in the jurisdiction of Haryana.

Learned counsel for the petitioner submits that even Haryana Cooperative Societies Act, Section 104 provides for issuance of such like certificate and that since the entire record of the Bank, pursuant to merger stands transferred to Panipat Urban Cooperative Bank Limited, the Registrar, Co-operative Societies, Haryana would be competent to issue such a certificate.

Notice of motion for 23.01.2024.

On the asking of this Court Mr. Sharad Aggarwal, DAG, Haryana, who is present in the Court accepts notice on behalf of respondents No.1 and 2.

While reserving his right to make additional submissions as well as to file written statement the learned State counsel has submitted that

since it is a case where the petitioner seeks execution of Award passed by nominee of Registrar, Cooperative Societies, Delhi, it is authorities at Delhi who would be competent to issue such a certificate.

The State to file reply and also to assist this Court as to who would be the competent authority, under present peculiar circumstances to issue “Recovery Certificate” as it appears to be a genuine case where the petitioner is left in the lurch, post the merger.

03.08.2023

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**(GURVINDER SINGH GILL)
JUDGE**